Motion to refer to Select Committee.

Sri T. SUBRAMANYA.—I beg to move:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958 be referred to a Select Committee of the following members:

Sri V. P. Deenadayalu Naidu
Sri K. Puttaswamy
Sri M. B. Inamti
Sri H. K. Siddiah
Sri S. D. Kothavale
Sri V. Srinivasa Shetty
Sri B. Chamiah
Sri B. K. Puttaramiah
Smt. Ratnamma Madhava Rao,

with a direction that they give their report during the present session."

Mr. SPEAKER.—The question is:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958 be referred to a Select Committee of the following members:

Sri V. P. Deenadayalu Naidu
Sri K. Puttaswamy
Sri M. B. Inamti
Sri H. K. Siddiah
Sri S. D. Kothavale
Sri V. Srinivasa Shetty
Sri B. Chamiah
Sri B. K. Puttaramiah
Smt. Ratnamma Madhava Rao,

with a direction that they give their report during the present session. The Hon'ble Minister who has moved the Bill will be the Chairman of the Committee."

The motion was adopted.

Mr. SPEAKER.—The House now rises and will meet half an hour later.

The House adjourned for recess at Ten Minutes past Three of the Clock and re-assembled at Forty Minutes past Three of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

MYSORE MATERNITY BENEFIT BILL, 1958.

Motion to consider.

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—I beg to move:

"That the Mysore Maternity Benefit Bill, 1958, as passed by the Legislative Council, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved:

"That the Mysore Maternity Benefit Bill, 1958, as passed by the Legislative Council, be taken into consideration."

†Sri T. SUBRAMANYA.—Sir, while commending this Bill for the consideration of this House, I draw the attention of the Hon'ble Members to the notes on clauses on page 11 which makes it very clear that this Act is intended to give benefit to those women who are in pregnancy and in confinement. During pregnancy and confinement, they say, "every woman in a factory, mine, plantation or an establishment shall be entitled to, and her employer shall be liable for (i) the payment of maternity benefit at the rate of seventy-five naye paise a day or calculated at a rate of 7/12th of the average daily wage multiplied by seven for a week, whichever is higher, and (ii) the grant of maternity leave; during the period of four weeks immediately preceding and including the day of her confinement and for eight

(SRI T. SUBRAMANYA)

weeks immediately following her confinement." Section 3 makes it imperative that "no employer shall employ a woman in a factory, mine, plantation or other establishment after she has given notice under sub-section (1) of Section 5 or knowingly employ any woman in any such factory, mine, plantation or other establishment during the eight weeks immediately following the day of her confinement." "During the period of pregnancy a woman shall not be knowingly employed on work which is arduous or which requires long hours of standing at one place or which may in any way interfere with her pregnancy and is likely to cause miscarriage or adversely affect her health or interfere with the normal development of foetus." Then there are certain other provisions which say that she is entitled to sickness leave and allowance. Then during the period of miscarriage, the period has been described. "For the purpose of this section, any premature delivery or abortion within a period of six months of pregnancy shall alone be deemed to be miscarriage." In case of miscarriage, a woman shall on production of a certificate signed by the certifying surgeon or any other qualified medical practitioner or on production of such other proof of miscarriage as may be prescribed, be entitled to three weeeks leave from the date of her miscarriage with wages at the rate mentioned above. Then we have also stated that this Bill does not affect those people who were already getting benefit under the Employees' State Insurance Act. We have reserved powers with regard to the framing of rules. We have said :

> "No court inferior to that of a Magistrate of the First Class shall try any offence against this Act or any rules made thereunder."

These are the main features of this Bill. I commend this Bill for the consideration of this House.

Before I close, at this stage, I only say that I have to move an amendment with regard to 'Mines'. It does not come under the purview of State legislation. Therefore, I will move an amendment in due course that the word 'mine' may be deleted and the Bill as passed by this House will have to be referred back to the Upper House once again because of this amendment.

†ಶ್ರೀ ಎಂ. ಸಿ. ನರಸಿಂಹನ್ (ಕೋಲಾರ ಚಿನ್ನದ ಗಣಿ).—ಅಧ್ಯಕ್ಷರೇ, ಈ ಮಸೂದೆಯನ್ನು ಸ್ವಾಗತಿಸುತ್ತ ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ನಾನು ಹೇಳಬಯಸುತ್ತೇನೆ. ಈ ವಿಚಾರದಲ್ಲಿ ಫ್ಯಾಕ್ಟರಿಗಳಿಗೆ ಅನ್ವಯಿಸುವಂತೆ ಹಳೆಯ ಮೈಸೂರು ರಾಜ್ಯದಲ್ಲಿ, ಮುಂಬೈ ಮತ್ತು ಮದ್ರಾಸ್ ರಾಜ್ಯಗಳಲ್ಲಿ ಬೇರೆ ಬೇರೆ ಶಾಸನಗಳಿದ್ದುವು. ಆ ಶಾಸನಗಳಿಗಿಂತ ಇವೊತ್ತು ನಮ್ಮ ಮುಂದಿರತಕ್ಕ ಈ ಮಸೂದೆಯಲ್ಲಿ ಕೆಲವು ಸ್ವಾಗತಾರ್ಹವಾದ ಅಂಶಗಳಿವೆ ಎನ್ನುವುದರಲ್ಲಿ ಸಂಶಯವಿಲ್ಲ. ಹೆರಿಗೆಯ ಕಾಲದಲ್ಲಿ ಎಷ್ಟು ಹಣ ಕೊಡಬೇಕು, ಎಷ್ಟು ಕೂಲಿ ಅಥವಾ ಸಂಬಳವನ್ನು ಪಾವತಿ ಮಾಡಬೇಕು ಎನ್ನುವ ವಿಷಯದಲ್ಲಿ ಮತ್ತು ಎಷ್ಟು ರಜಾ ಸೌಕರ್ಯವಿರಬೇಕು ಎನ್ನುವ ಎರಡು ಮುಖ್ಯವಾದ ಅಂಶಗಳನ್ನು ತೆಗೆದುಕೊಂಡರೆ ಇದರಲ್ಲಿ ಹಿಂದೆ ಇದ್ದ ಶಾಸನಕ್ಕಿಂತ ಸ್ವಲ್ಪ ಹೆಚ್ಚಿನ ಸೌಲಭ್ಯವಿದೆ ಎಂದು ಒಪ್ಪಿಕೊಳ್ಳಬಹುದು. ಆದರೆ ಅದೇ ಸಂದರ್ಭದಲ್ಲಿ ಈ Maternity benefit ಎಂದರೆ ಎಷ್ಟು ಹಣ ಪಾವತಿ ಮಾಡಬೇಕೆಂಬ ವಿಷಯದಲ್ಲಿ, ಎಷ್ಟು ರಜ ಸೌಕರ್ಯವಿರಬೇಕೆಂಬ ವಿಷಯದಲ್ಲ Plantation Labour Act, ಎಂದರೆ ತೋಟ ಕಾರ್ಮಿಕರಿಗೆ ಏನು ಅನ್ವಯಿಸುತ್ತದೆಯೋ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಮುಂದುವರಿದಿಲ್ಲವೆಂದು ತಿಳಿಸುವುದಕ್ಕೆ ಇಚ್ಛೆಪಡುತ್ತೇನೆ. ಪ್ಲಾಂಟೇಷನ್ ಲೇಬರ್ ಆಕ್ಟ್ ಯಾವ ಮಟ್ಟದಲ್ಲಿ, ಯಾವ ತರಹದಲ್ಲಿ ರಜಾ ಮತ್ತು ಇತರ ಸೌಕರ್ಯಗಳನ್ನು ಕೊಡುತ್ತದೆಯೋ ಅವುಗಳನ್ನೇ ಈ ಮಸೂದೆಯಲ್ಲಿಯೂ ನಮೂದಿಸಲಾಗಿದೆ. ಇದನ್ನು ಹೇಳುವಾಗ ಒಂದು ವಿಷಯವನ್ನು ಗಮನದಲ್ಲಿಡಬೇಕು. ಏನೆಂದರೆ, I.L.O. ಎಂದರೆ ಅಂತರರಾಷ್ಟ್ರೀಯ ಕಾರ್ಮಿಕ ಸಂಸ್ಥೆ. ಈ ತರನಾದ ಸ್ಟಾಂಡರ್ಡ್ ಇರಬೇಕು, ಈ ತರನಾದ ಶಾಸನವಿರಬೇಕು ಎಂದು 1919ನೆಯ ಇಸವಿಯಲ್ಲಿಯೇ International standards ಹಾಕಿದ್ದಾರೆ. ಆ ಸ್ಟ್ಯಾಂಡರ್ಡ್ಸ್ ಪ್ರಕಾರ ನೋಡಿದರೆ ಕೆಲವು ಅಂಶಗಳು ಈ ಮಸೂದೆಯಲ್ಲಿ ಅಷ್ಟಾಗಿ ಸಮರ್ಪಕವಾಗಿಲ್ಲವೆಂದು ನಾನು ಹೇಳಬಲ್ಲೆ. ಸ್ವಲ್ಪಮಟ್ಟಿಗೆ ತೋಟ ಕಾರ್ಮಿಕರಿಗೆ ಅನ್ವಯಿಸುವ ಶಾಸನವನ್ನು ಆ ಅಂಶವನ್ನು ಅಡಕಮಾಡಲಾಗಿದೆ. ಉದಾಹರಣೆಗೆ 1919ನೆಯ ಇಸವಿಯಲ್ಲಿ ಒಪ್ಪಿಕೊಳ್ಳಲಾದ I.L.O. standardsನಲ್ಲಿ Employees State Insurance Corporation ನಿಂದ ಇಷ್ಟೇ ಪ್ರಮಾಣದಲ್ಲಿ ಆಸ್ಪತ್ರೆ ವಸತಿಗಳನ್ನು ವ್ಯವಸ್ಥೆ ಮಾಡಬೇಕು ಎಂದು ನಮೂದಿಸಲಾಗಿದೆ. ಪ್ಲಾಂಟೇಷನ್ ಲೇಬರ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ತೆಗೆದುಕೊಂಡರೆ ಯಾರಾದರೂ ತೋಟದ ಕಾರ್ಮಿಕರಿಗೆ ಮಾಲೀಕರು ಗ್ರೂಪ್ ಆಸ್ಪತ್ರೆಗಳ ವಸತಿಯನ್ನು ಆ ಶಾಸನದ ಪ್ರಕಾರ ಕೊಡಲಿಕ್ಕೆ ಸಾಧ್ಯವಾಗಲಿಲ್ಲವೆಂದರೆ Chief Inspector of Plantationsಗೆ ಒಂದು ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ. ಆ ಅಧಿಕಾರವೇನೆಂದರೆ ತೋಟದ ಮಾಲೀಕರಿಂದ ಆಸ್ಪತ್ರೆಗಳಿಗೋಸ್ಕರ ಎಷ್ಟು ಖರ್ಚಾಗುತ್ತದೆಯೋ ಆ ಖರ್ಚನ್ನು ಕೂಡ ವಸೂಲ್ಮಾಡಿ ಕೊಡಬೇಕೆಂದು 1951ನೆಯ ಇಸವಿಯ ಪ್ಲಾಂಟೇಷನ್

ಲೇಬರ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ನಮೂದಿಸಲಾಗಿದೆ ಈ ಒಂದು ಅಂಶ ಇದರಲ್ಲಿದೆಯೇ ಎಂದರೆ ಅದು ಪ್ರತ್ಯಕ್ಷವಾಗಿಲ್ಲ, ಪರೋಕ್ಷವಾಗಿ ಒಂದು ರೀತಿಯಲ್ಲಿ ಆ ತತ್ವವನ್ನು. ಒಪ್ಪಿಕೊಂಡು ಆ ಒಂದು ಅಂಶವನ್ನು ಕೂಡ ಹೊಸದಾಗಿ ಇಲ್ಲಿ ಸೇರಿಸಿದ್ದಾರೆ. ಇದು Mysore Maternity Benefit Act, 1935, ಮದ್ರಾಸ್ ಮತ್ತು ಬೊಂಬಾಯಿ ಕಾನೂನುಗಳಲ್ಲಿರಲಿಲ್ಲ. ಅದು ಏನೆಂದರೆ ಮೆಡಿಕಲ್ ಬೋನಸ್ ಎಂದು ಹೊಸದಾಗಿ ಎಂಟನೆಯ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಸೇರಿಸಿದ್ದಾರೆ. ಈ ಮೊಬಲಗು ಹತ್ತು ರೂಪಾಯಿ ಇರಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇದು ಹಿಂದಿನ ಮೈಸೂರು, ಮದ್ರಾಸು, ಬೊಂಬಾಯಿ ಮತ್ತು ಹೈದರಾಬಾದ್ ಕಾನೂನುಗಳಲ್ಲಿರಲಿಲ್ಲ. ಆದುದರಿಂದ ಇದನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸಲಾಗಿದೆ ಎನ್ನುವುದು ಸ್ವಾಗತಾರ್ಹವಾದುದು. ಪ್ಲಾಂಟೇಷನ್ ಲೇಬರ್ ರೂಲ್ಸ್‌ನಲ್ಲಿ ಹೇಗೆ ನಮೂದಿಸಲಾಗಿದೆಯೋ ಆ ಮಟ್ಟದಲ್ಲಿ ಇನ್ನೂ ಬಂದಿಲ್ಲವೆಂದು ಮಾತ್ರ ವಿಷಾದವನ್ನು ಇಲ್ಲಿ ಸೂಚಿಸಬೇಕು.

ಹಲವಾರು ದೊಡ್ಡ ನಗರಗಳಲ್ಲಿರತಕ್ಕ ಕೆಲವು ಫ್ಯಾಕ್ಟರಿಗಳಿಗೆ ಮಾತ್ರ ಇದನ್ನು ಅನ್ವಯಿಸುವುದಾದರೆ ಚಿಂತೆ ಇಲ್ಲ. ಈ ಬಿಲ್ಲಿನ ಪ್ರಕಾರ ಸಣ್ಣಪುಟ್ಟ ಫ್ಯಾಕ್ಟರಿಗಳಿಗೂ ಅನ್ವಯಿಸಲಾಗುತ್ತಿದೆ. ಅದೂ ಅಲ್ಲದೆ ಸೆಕ್ಷನ್ 1 (5)ರ ಪ್ರಕಾರ ಇತರ ಸಿಬ್ಬಂದಿ ಎಂದರೆ shops ಮತ್ತು ಇತರ ಸಣ್ಣಪುಟ್ಟ ಅಂಗಡಿಗಳ ನೌಕರರಿಗೂ ಕೆಲವು ದಿವಸಗಳ ಅಥವಾ ವರ್ಷಗಳ ನಂತರ ಅನ್ವಯಿಸುವುದಕ್ಕೆ ಸರ್ಕಾರ ಅಧಿಕಾರವನ್ನು ತೆಗೆದುಕೊಂಡಿದೆ. ಹಿಂದೊಮ್ಮೆ ನಾನು ಕಾರ್ಮಿಕ ಸಚಿವರನ್ನು ಕೇಳಿದಾಗ, ವ್ಯವಸಾಯ ಕ್ಷೇತ್ರದಲ್ಲಿರುವವರಿಗೂ ಅನ್ವಯಿಸುವಂತೆ ಮಾಡಬೇಕೆಂಬ ಉದ್ದೇಶವಿದೆ ಎಂದು ಅವರು ಹೇಳಿದರು. ಅದಕ್ಕೂ ಸಹ ಈ ಕಾನೂನಿನಲ್ಲಿ ಅಧಿಕಾರವನ್ನು ಪಡೆಯಲಾಗಿದೆಯೇ ಎನ್ನುವ ಅನುಮಾನವಿದೆ. ಇದನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಬೇಕು. ವ್ಯವಸಾಯ ಕ್ಷೇತ್ರಕ್ಕೆ ಅನ್ವಯಿಸುವಾಗ ಒಂದು ತೊಂದರೆ ಏನು ಬರುತ್ತದೆಂದರೆ ಹಲವಾರು ಊರುಗಳಲ್ಲಿ ಸಾಕಷ್ಟು ಆಸ್ಪತ್ರೆಗಳ ವ್ಯವಸ್ಥೆ ಇರುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಈ ಶಾಸನದಲ್ಲಿ, ಆ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರ ಒಂದು ಅಧಿಕಾರವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದರೆ, ಆ ಅಧಿಕಾರದ ಮೂಲಕ ಯಾವುದಾದರೂ ಭಾಗದಲ್ಲಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ವಸತಿ ಇಲ್ಲವೆಂದರೆ, ಅದಕ್ಕೆ ತಗಲುವ ಖರ್ಚನ್ನೂ ಮಾಲೀಕನಿಂದಲೋ ಅಥವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟವರಿಂದಲೋ ವಸೂಲ್ಮಾಡಲು ಒಂದು ಅಧಿಕಾರವಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು ಎಂದು ನನಗನಿಸುತ್ತದೆ. ಆದರೆ ಒಟ್ಟಿನಲ್ಲಿ ನಾನು ಈ ಮಸೂದೆಯನ್ನು ಸ್ವಾಗತಿಸುತ್ತ ಇದರಲ್ಲಿರತಕ್ಕ ಕೆಲವು ಸಣ್ಣಪುಟ್ಟ ದೋಷಗಳನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ಇಡಲು ಬಯಸುತ್ತೇನೆ.

ಮೊದಲನೆಯದಾಗಿ, ಫ್ಯಾಕ್ಟರಿಗಳ ಕಾನೂನಿನಲ್ಲಿ ಫ್ಯಾಕ್ಟರಿ ಎಂದು ಯಾವು ಯಾವುದನ್ನು ನಮೂದಿಸಲಾಗಿದೆಯೋ ಅವುಗಳಿಗೆಲ್ಲ ಅನ್ವಯಿಸಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಪವರ್ ಉಪಯೋಗಿಸದೆ ಇರುವ ಸಂಸ್ಥೆಗಳಲ್ಲಿ 20 ಜನ ಕೆಲಸಮಾಡುತ್ತಿದ್ದರೆ, ಅಥವಾ ಪವರ್ ಉಪಯೋಗಿಸುತ್ತಿರುವ ಕಡೆಗಳಲ್ಲಿ ಹತ್ತು ಜನಕ್ಕಿಂತ ಹೆಚ್ಚು ಕೆಲಸಮಾಡುತ್ತಿದ್ದರೆ, ಫ್ಯಾಕ್ಟರಿ ಎಂದು ಪರಿಗಣಿಸಬೇಕೆಂದು ಫ್ಯಾಕ್ಟರಿ ಕಾನೂನಿನಲ್ಲಿ ನಮೂದಿಸಲಾಗಿದೆ. ತೋಟಗಳ ಸಂಬಂಧದಲ್ಲಿ ಎಂದರೆ ಪ್ಲಾಂಟೇಷನ್‌ಗಳಿಗೆ ಅನ್ವಯಿಸುವಾಗ 25 ಎಕರೆಗಿಂತ ಹೆಚ್ಚು ಮತ್ತು 30 ಜನರಿಗಿಂತ ಹೆಚ್ಚು ಕಾರ್ಮಿಕರು ಕೆಲಸಮಾಡುತ್ತಿದ್ದರೆ ಪ್ಲಾಂಟೇಷನ್ ಆಗುತ್ತದೆಂದು Plantation Labour Actನಲ್ಲಿ ನಮೂದಿಸಲಾಗಿದೆ. ಆದರೆ ಈ ಶಾಸನದಲ್ಲಿ 25 ಎಕರೆಗಳಿಗಿಂತ ಕಡಮೆ ಇರತಕ್ಕ ತೋಟಗಳಿಗೂ, ಮತ್ತು ಹತ್ತು ಜನ ಅಥವಾ 20 ಜನ ಕಾರ್ಮಿಕರಿಗಿಂತ ಕಡಮೆ ಜನ ಕೆಲಸಮಾಡತಕ್ಕ ಫ್ಯಾಕ್ಟರಿಗಳಿಗೂ ಅನ್ವಯಿಸತಕ್ಕ ಅಧಿಕಾರವನ್ನು ಪಡೆಯಬೇಕಾಗಿತ್ತೆಂದನ್ನಿಸುತ್ತದೆ.

ಎರಡನೆಯದೇನೆಂದರೆ ಇದರಲ್ಲಿ ಮಾಲೀಕರು ಎನ್ನುವ ಪದಕ್ಕೆ ವ್ಯಾಖ್ಯಾನ ಮಾಡಿರುವುದು ಸಾಕಷ್ಟು ತೃಪ್ತಿಕರವಾಗಿಲ್ಲವೆಂದು ನನಗನ್ನಿಸುತ್ತದೆ. ಮಾಲೀಕರು ಎನ್ನುವ ಪದದ ವಿವರಣೆಗೂ, ಕೆಲಸಗಾರ ಎನ್ನುವ ಪದದ ವಿವರಣೆಗೂ ಇರುವ ಜೋಡಣೆಯನ್ನೂ ಹೋಲಿಸಿ ನೋಡಿದರೆ ತಕರಾರು ಬರುತ್ತದೆ. 'Worker' ಎಂದರೆ ಯಾವುದೇ ಸಂಸ್ಥೆಯಲ್ಲಿ ಆ ಸಂಸ್ಥೆಯ ಕಂಟ್ರಾಕ್ಟರ ಬಳಿ ಕೆಲಸ ಮಾಡತಕ್ಕ ಮಹಿಳಾ ಕಾರ್ಮಿಕರಿಗೂ ಕೂಡ ಅನ್ವಯಿಸುತ್ತದೆಂದು ಹೇಳಲಾಗಿದೆ. ಒಂದು ಫ್ಯಾಕ್ಟರಿಯಲ್ಲಿ ಒಬ್ಬ ಕಂಟ್ರಾಕ್ಟರ್ ಇರಬಹುದು. ಫ್ಯಾಕ್ಟರಿಯ ಉತ್ಪಾದನೆಗೆ ಸಂಬಂಧಿಸಿದಂಥ ಉತ್ಪಾದನೆಗೆ ಆವಶ್ಯಕವಾದಂಥ ಕೆಲಸಗಳನ್ನು ಕಂಟ್ರಾಕ್ಟಿಗೆ ಕೊಡುವ ಪದ್ಧತಿಯುಂಟು. ಇಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕಂಟ್ರಾಕ್ಟರಿಗೂ ಅನ್ವಯಿಸುತ್ತದೆಂದು 'ಕಾರ್ಮಿಕ' ಎನ್ನುವ ಪದಕ್ಕೆ ಕೊಟ್ಟಿರುವ ವ್ಯಾಖ್ಯಾನದಿಂದ ಕಂಡುಬರುತ್ತದೆ. ಆದರೆ 'ಮಾಲೀಕ' ಎನ್ನುವ ಪದದ ಅರ್ಥ ವಿವರಣೆಯಲ್ಲಿ ಇದನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಸೂಚಿಸಿಲ್ಲ. ಆದುದರಿಂದ ಬಹಳ ತೊಂದರೆ ಬರುತ್ತದೆ. ಕಂಟ್ರಾಕ್ಟರ ಕೆಳಗೆ ಕೆಲಸ ಮಾಡತಕ್ಕ ಮಹಿಳಾ ಕಾರ್ಮಿಕರಿಗೆ ಈ ಶಾಸನದ ಪ್ರಕಾರ ಸೌಲಭ್ಯಗಳು ದೊರೆಯುತ್ತವೆಯೊ ಇಲ್ಲವೋ ಎಂಬ ಅನುಮಾನ ನನಗಿದೆ. ಒಂದು ವೇಳೆ ಸೌಲಭ್ಯಗಳೆಲ್ಲ ದೊರೆಯುತ್ತವೆಂದು ವ್ಯಾಖ್ಯಾನ ಮಾಡಿದರೆ ಯಾರಿಂದ ದೊರೆಯಬೇಕು ಎನ್ನುವ ವಿಷಯದಲ್ಲಿ ಅನುಮಾನ ಬರುತ್ತದೆ. Employerನಿಂದ ಪಡೆಯಬೇಕೇ ಹೊರತು ಬೇರೆಯವರಿಂದ ಪಡೆಯುವುದಕ್ಕೆ ಈ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿಲ್ಲ. ಕಂಟ್ರಾಕ್ಟರಾದವನೂ Employer ಆಗುತ್ತಾನೆಯೇ ಇಲ್ಲದೆ ಇದ್ದರೆ ಯಾವ ಫ್ಯಾಕ್ಟರಿಯಲ್ಲಿ ಕಂಟ್ರಾಕ್ಟರಾದವನು ಕೆಲಸ ಮಾಡಿಸುತ್ತಾನೆಯೋ ಆ ಫ್ಯಾಕ್ಟರಿಯ ಮಾಲೀಕನು Employer ಆಗುತ್ತಾನೆಯೇ ಎಂಬುದರ ಬಗ್ಗೆ ನನಗೆ ಸಂಶಯವಿದೆ. ಇದರಿಂದ ಖಂಡಿತವಾಗಿಯೂ ತೊಂದರೆಯಾಗುತ್ತದೆ ಮತ್ತು ಕೋರ್ಟ್ ಲಿಟಿಗೇಷನ್ ಆಗುತ್ತದೆ. ಬೇರೇನೂ ಫಾಯಿದೆ ಇಲ್ಲ, ಈ ರೀತಿ ಆಗಬೇಕು ಎಂಬುದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳ ಉದ್ದೇಶವಲ್ಲವೆಂದು ತಿಳಿದುಕೊಂಡು ಕೆಲವು ತಿದ್ದುಪಡಿಗಳನ್ನೂ ತಂದಿದ್ದೇನೆ. ಆ ತಿದ್ದುಪಡಿಗಳನ್ನೂ ಒಪ್ಪಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ನಾನು ಮೊದಲೇ ತಿಳಿಸಿದ ಹಾಗೆ ಪ್ಲಾಂಟೇಷನ್ ಲೇಬರ್ ವಿಷಯದಲ್ಲಿ, 25 ಎಕರೆಗಳಿಗೆ ಮತ್ತು 30 ಜನಕ್ಕಿಂತ ಕಡಮೆ ಇರುವಂಥ ತೋಟಗಳನ್ನು ಈ ಕಾನೂನಿಗೆ ಒಳಪಡಿಸಬೇಕು. ಇತ್ತೀಚೆಗೆ ಏನಾಗಿದೆ ಎಂದರೆ ಅನೇಕ ಶಾಸನಗಳನ್ನು ತರುತ್ತಿರುವುದರಿಂದ, ಭೂ ಸುಧಾರಣೆ ಮುಂತಾದ ಕಾನೂನುಗಳನ್ನು ತರುತ್ತೀರಿ ಎನ್ನುವ ಗಡಿಬಿಡಿ ಇರುವುದರಿಂದ, ಅನೇಕ ಪ್ಲಾಂಟೇಷನ್‌ಗಳು ಇವೊತ್ತು sub-divide ಆಗುತ್ತಿವೆ. ಅವುಗಳ ಹಂಚಿಕೆಮಾಡಲು ಕಾನೂನು ಪ್ರಕಾರ ಹಕ್ಕು ಇದೆ. ಪ್ಲಾಂಟೇಷನ್‌ಗಳನ್ನು ಸಬ್ ಡಿವೈಡ್ ಮಾಡುವಾಗ ಕಾರ್ಮಿಕರಿಗೆ ದೊರೆಯುವ ಸೌಲಭ್ಯಗಳು ದೊರೆಯದಂತಾಗಲು ಅವಕಾಶವಿದೆ,

(ಶ್ರೀ ಎಂ. ಸಿ. ನರಸಿಂಹನ್)

ಈ ರೀತಿಯಾಗುವುದನ್ನು ತಡೆಗಟ್ಟಲು ಮಸೂದೆಯಲ್ಲಿ ಒಂದು ಅವಕಾಶವಿರಬೇಕು. ಸಾಮಾಜಿಕ ಶಾಸನಗಳನ್ನೂ ಅನ್ವಯಿಸಲು ಸರಿಯಾದ ಏರ್ಪಾಡನ್ನು ಮಾಡಬೇಕು. ಇದನ್ನೂ ಮಾಡದೆ ಇದ್ದುದು ವಿಷಾದವೆನ್ನಿಸುತ್ತದೆ.

ಇದರಲ್ಲಿ ಬಹಳ ಆಶ್ಚರ್ಯಕರವಾದುದೇನೆಂದರೆ 'worker' ಎನ್ನುವಾಗ ಮಹಿಳಾ ಕಾರ್ಮಿಕರಲ್ಲಿ ಯಾರಿಗೆ ಅನ್ವಯಿಸುತ್ತದೆಂಬುದು. ಇದು ಬಹಳ ಮುಖ್ಯವಾದ ಅಂಶ. ಇದರ definition ನೋಡಿದರೆ 400 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆ ಸಂಬಳ ಪಡೆಯುತಕ್ಕ clerical staffಗೆ ಅನ್ವಯಿಸುತ್ತದೆಂದು ಎರಡನೆಯ ಭಾಗದಲ್ಲಿ ಸೂಚಿಸಲಾಗಿದೆ. ಮೊದಲನೆಯ ಭಾಗವನ್ನು ತೆಗೆದುಕೊಂಡರೆ' "worker" in relation to a factory has the same meaning assigned to it by the Factories Act, 1948,......'ಎಂದು ಹೇಳಿದ್ದಾರೆ.

4 P.M.

ಫ್ಯಾಕ್ಟರಿ ಆಕ್ಟ್ ಪ್ರಕಾರ ಯಾರುಯಾರಿಗೆ ಈ ಶಾಸನಗಳಲ್ಲಿ ಅನುಕೂಲವಾಗುತ್ತದೆಂದು ನಮೂದಿಸಲಾಗಿದೆಯೋ ಅವರಿಗೆ ಮಾತ್ರ ಅನ್ವಯಿಸುತ್ತದೆ. ಅದರಲ್ಲಿ ತೊಂದರೆ ಏನು ಬರುತ್ತದೆ ಎಂದರೆ ಈ ಫ್ಯಾಕ್ಟರಿ ಆಕ್ಟ್ ಕ್ಲೆರಿಕಲ್ ಸ್ಟ್ಯಾಫಿಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಸ್ವಾಭಾವಿಕವಾಗಿ ಈಗಾಗಲೇ ಈ ಬಗ್ಗೆ ಹೈಕೋರ್ಟ್ ತೀರ್ಮಾನಗಳು ಬೇಕಾದಷ್ಟಿವೆ. ಫ್ಯಾಕ್ಟರಿಗಳು ಯಾವ ಪವರ್ಸನ್ನೇ ಅಡ್‌ಮಿನಿಸ್ಟ್ರೇಷನ್ ಸೆಕ್ಷನ್ನಿಗೆ ಕೊಟ್ಟಿರಲಿ ಅಲ್ಲಿರತಕ್ಕ ಕ್ಲೆರಿಕಲ್ ಸ್ಟ್ಯಾಫಿಗೆ ಈ ಅನುಕೂಲ ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಈಗಿನ ಫ್ಯಾಕ್ಟರೀಸ್ ಆಕ್ಟ್ ಮತ್ತು ಮೆಟರ್ನಿಟಿ ಬೆನಿಫಿಟ್ ಆಕ್ಟ್ ಇವರಿಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಈ ಡೆಫಿನಿಷನ್ ಪ್ರಕಾರ ಒಂದು ಅಂತರ ಭೇದವಿದೆ. ಅದು ಫ್ಯಾಕ್ಟರಿಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಕ್ಲೆರಿಕಲ್ ಸ್ಟ್ಯಾಫ್, ಅಡ್‌ಮಿನಿಸ್ಟ್ರೇಷನ್ ಶಾಖೆಗೆ ಅನ್ವಯಿಸಬಾರದೆಂಬುದು. ಫ್ಯಾಕ್ಟರಿಬಿಟ್ಟು, ಇತರ ಎಸ್ಟ್ಯಾಬ್ಲಿಷ್‌ಮೆಂಟ್ಸ್ ಬೇಕಾದಷ್ಟಿವೆ. ಷಾಪ್ಸ್, ಅಥವಾ ಪ್ಲಾಂಟೇಷನ್ಸ್ ಇರಬಹುದು. ಪ್ಲಾಂಟೇಷನ್‌ಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುವವರಿಗೆ ಮಾತ್ರ ಇದು ಅನ್ವಯಿಸಬೇಕೆಂದಿದೆ. ಮಹಿಳಾ ಶಾಖೆಯವರಿಗೆ ಇವೊತ್ತು ರಜಾ ಕೊಡುವ ವಿಷಯದಲ್ಲಿ ಈ ವಿಧೇಯಕದಲ್ಲಿ ಹೆಚ್ಚಿನ ಅನುಕೂಲ ಇದೆ. ಆದರೆ ಫ್ಯಾಕ್ಟರಿಗಳಲ್ಲಿ ಅಡ್ಮಿನಿಸ್ಟ್ರೇಷನ್ ಕೇಡರ್‌ನಲ್ಲಿರುವವರಿಗೆ ಈ ಅನುಕೂಲ ಅನ್ವಯಿಸುವುದಿಲ್ಲ ಎನ್ನುವ ಒಂದು ಅಂತರ್ಭೇದ ಬರುತ್ತದೆ. ಸರ್ಕಾರದವರು ಈ ಫ್ಯಾಕ್ಟರೀಸ್ ಆಕ್ಟ್ ಕ್ಲೆರಿಕಲ್ ಸ್ಟ್ಯಾಫಿಗೆ ಏಕೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲವೆಂಬುದನ್ನು ಸರಿಯಾಗಿ ಗಮನಿಸಲಿಲ್ಲವೆಂದು ನನಗೆನ್ನಿಸುತ್ತದೆ.

ಇನ್ನು 4ನೆಯ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ಹೇಳಿರತಕ್ಕ ಡೆಫಿನಿಷನ್ ಪ್ರಕಾರ ಸರ್ಕಾರದ ಫ್ಯಾಕ್ಟರಿಗಳನ್ನು ಬಿಟ್ಟರೆ, ಬೇರೆ ಪಿ.ಡಬ್ಲ್ಯು.ಡಿ. ಇಲಾಖೆ, ಇಂಡಸ್ಟ್ರಿ ಇಲಾಖೆ, ಮೋಟಾರ್ ಇಂಡಸ್ಟ್ರೀಸ್ ಇಲಾಖೆ ಇವುಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಮಹಿಳಾ ಶಾಖೆಗೆ ಅಷ್ಟು ಅನುಕೂಲವಿರುವುದಿಲ್ಲ. ಅವರಿಗೆ ಈ ಕಾನೂನು ಅನ್ವಯಿಸುವುದೇ ಇಲ್ಲ. ಈಗ ಮಹಿಳಾ ಕಾರ್ಮಿಕರು ಪಿ.ಡಬ್ಲ್ಯು.ಡಿ. ಇಲಾಖೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಅನೇಕ ಪ್ರಾಜೆಕ್ಟುಗಳಲ್ಲಿ ಕೆಲಸಮಾಡುತ್ತಿದ್ದಾರೆ. ಅಂಥಾದ್ದನ್ನು ಇಲ್ಲಿ ಏಕೆ ಕೈಬಿಟ್ಟರೋ ನನಗಂತೂ ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ. ಪ್ಲಾಂಟೇಷನ್ನುಗಳ ಮೇಲೆ 1951ನೆಯ ಇಸವಿಯಿಂದಲೂ ಈ ಶಾಸನ ಜಾರಿಯಾಗಿದೆ. ಆದರೆ ಇಂಡಸ್ಟ್ರೀಸ್ ಬಹು ಮುಖ್ಯವಾದುವು. ಅಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ಮಹಿಳಾ ಶಾಖೆಯವರೇ ಕೆಲಸಮಾಡುತ್ತಿದ್ದಾರೆ. ಇವರಿಗೆ ಸರಿಯಾದ ಸ ಕರ್‍ಯವಿಲ್ಲದಿರುವುದರಿಂದ 40-45 ರೂಪಾಯಿಗಳ ಸಂಬಳವನ್ನು ಪಡೆಯುತ್ತಿರುವ ಮಹಿಳಾ ಕಾರ್ಮಿಕರನ್ನು ಈ ಶಾಸನದಿಂದ ಹೊರದೂಡುವಂತಾಗಿದೆ. ಅವರಿಗೆ ಈ ಕಾನೂನು ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಅವರ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರದವರು ಒಂದು ಆಶ್ವಾಸನೆ ಕೊಡುತ್ತಾರೋ ಏನೋ ಎಂಬ ಆಶೆ ಇತ್ತು.

ಇನ್ನು 5ನೆಯ ಕ್ಲಾಜಿನ ಪ್ರಕಾರ ಇವೊತ್ತು ಪ್ರತಿಯೊಬ್ಬ ಹೆಂಗಸು ಹೆರಿಗೆ ಆಗುವುದಕ್ಕೆ ಒಂದು ತಿಂಗಳ ಮುಂಚೆ ಈ ಸಾಕರ್‍ಯ ಪಡೆಯಲು ನೋಟೀಸ್ ಕೊಡಬಹುದು ಎಂದು ನಮೂದಿಸಿದೆ. 195 ರಲ್ಲಿ ರಚಿಸಿದ ಮದ್ರಾಸ್ ಮೆಟರ್ನಿಟಿ ಬೆನಿಫಿಟ್ ಶಾಸನದ ಪ್ರಕಾರ ಇದು ಸರಿಯಲ್ಲವೆಂದು ನನಗನ್ನಿಸುತ್ತದೆ. ಅಲ್ಲಿರತಕ್ಕ ಪ್ಲಾಂಟೇಷನ್ಸ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ನೋಡಿದರೂ ಇದು ಸರಿಯಲ್ಲ. Giving notice becomes a condition precedent. ಅದು ಒಂದು ನಿಬಂಧನೆ, ನೋಟೀಸ್ ಕೊಟ್ಟ ಹೊರತು ಮಹಿಳಾ ಕಾರ್ಮಿಕರಿಗೆ ಈ ಭತ್ಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲ. ಅವರಿಗೆ ಆ ಹಕ್ಕು ಇಲ್ಲ ಎಂದು ಸೆಕ್ಷನ್ 5ರಲ್ಲಿ ಹೇಳಿದೆ. ಇದು ಸರಿಯಲ್ಲ. ಇವೊತ್ತು ಆ ಆಕ್ಟ್ಸ ಹೇಗೆ ಇವೆಯೆಂಬುದು ನನಗೆ ಸರಿಯಾಗಿ ಗೊತ್ತಿಲ್ಲ. ಒಂದು ತಿಂಗಳ ಮುಂಚೆ ಅವರಿಗೆ ತಿಳಿಸಲಿಕ್ಕೆ ಆಗುತ್ತಾ ಇಲ್ಲವೆಂಬುದು ಸರ್ವರಿಗೂ ತಿಳಿದ ವಿಷಯವಾಗಿದೆ. ಆದರೆ ನನಗೆ ಆ ಟೆಕ್ನಿಕಲ್ ವಿಷಯ ಗೊತ್ತಿಲ್ಲ. I cannot say exactly. The Minister will be able to say. ಒಂದು ತಿಂಗಳ ಮುಂಚೆ ನೋಟೀಸ್ ಕೊಡದೇ ಹೋದರ ಏನಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಇದರಲ್ಲಿ ಸಕಾರಣವಾಗಿ ತಿಳಿಸಿಲ್ಲ. ಅದನ್ನು ಈ ವಿಧೇಯಕದಲ್ಲಿ ಹುಡುಕಿದರೂ ಸಿಕ್ಕುವುದಿಲ್ಲ. ಪ್ಲಾಂಟೇಷನ್ಸ್ ಆಕ್ಟ್ ಸೆಕ್ಷನ್ 75 (1)ರ ಪ್ರಕಾರ ಇದರಲ್ಲಿಲ್ಲ. ನೋಟೀಸ್ ಕೊಡಬೇಕೆನ್ನುವುದೇನೋ ಸರಿ. ಆದರೆ ನೋಟೀಸನ್ನು ಯಾವ ಕಾರಣದಿಂದ ಕೊಡಲಿಕ್ಕಾಗಲಿಲ್ಲ ಎಂಬುದನ್ನು ಇದರಲ್ಲಿ ಹೇಳಿಲ್ಲ. ಸುಮ್ಮನೆ ಅದಕ್ಕಾಗಿಯೇ ಮೆಟರ್ನಿಟಿ ಬೆನಿಫಿಟ್ಟನ್ನು ಕೊಡುವುದಕ್ಕಾಗಲಿಲ್ಲವೆಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. ಆದರೆ ಮದ್ರಾಸ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ನೋಡಿದರೆ ಸೆಕ್ಷನ್ 54ರ ಪ್ರಕಾರ ಇನ್‌ಸ್ಪೆಕ್ಟರ್ ಹತ್ತಿರ ಹೋಗಿ ಆ ರೀತಿ ನೋಟೀಸ್ ಕೊಡಲಿಕ್ಕಾಗಲಿಲ್ಲವೆಂದು ಹೇಳಿದರೆ ಈ ವಿಧೇಯಕದ 4ನೆಯ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ಅಕೆಗೆ ಆರೀತಿ ಹಕ್ಕಿದೆಯೆಂದು ಹೇಳಿದ ಮೇಲೆ ಮೆಟರ್ನಿಟಿ ಬೆನಿಫಿಟ್ ಕೊಡಬೇಕೆಂದು ಹೇಳಿದೆ. ಕ್ಲಾಜು5ರ ಪ್ರಕಾರ ಈ ಸೆಕ್ಷನ್ನನ್ನು ಮಾಡಿದ್ದೀರಾ ಎಂಬುದು ನನಗೆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಎರಡನೆಯದು ಡ್ರಾಫ್ಟಿಂಗ್ ಟೆಕ್ನಿಕಲ್ ಡಿಫಿಕಲ್ಟಿ ಇನ್ನು 4ನೆಯ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ಮೆಟರ್ನಿಟಿ ಬೆನಿಫಿಟ್ ಲೀವನ್ನು ಈಗಿರುವುದಕ್ಕಿಂತಲೂ ಹೆಚ್ಚಿಗೆ ಪಡೆಯುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಮಾಗ್ಸಿಮಂ 12 ವಾರಗಳ ವರೆಗೆ ಮೆಟರ್ನಿಟಿ ಬೆನಿಫಿಟ್‌ಗೋಸ್ಕರ ಅವರಿಗೆ ರಜಇರಬೇಕೆಂದು ಸೂಚಿಸಿದೆ. ಆ ಪ್ರಕಾರ ಈ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ 7/12 ಭಾಗದಷ್ಟು ಎಂದು ಹೇಳಿದ ಹಾಗಾಯಿತು. ಸೆಕ್ಷನ್ 7ರ ಪ್ರಕಾರ ಇದಲ್ಲದೆ ಏನಾದರೂ ಅವರಿಗೆ ಒಂದು ವೇಳೆ ಕಾಯಿಲೆ ಬಂದರೆ ಇದಕಿಂತಲೂ ಹೆಚ್ಚಿಗೆ ಒಂದುತಿಂಗಳು ಕಾಲ

ರಜಾ ಕೊಡಬಹುದೆಂದಿದೆ. Clause 4(3) is contradictory to clause 2. ಮೆಟರ್ನಿಟಿ ಪೀರಿಯಡ್ 12 ವಾರಗಳಷ್ಟು ಎಂದು ಸೂಚಿಸಿ ಇನ್ನೊಂದು ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ಈಗ ಅದಕ್ಕಿಂತಲೂ ಹೆಚ್ಚು ರಜಾ ಪಡೆಯುವುದಕ್ಕೆ ಅಧಿಕಾರವಿದೆಯೆಂದು ಹೇಳುತ್ತೀರಿ. ಆದರೆ ಆ ರೀತಿ ಕ್ಲೈಮ್ ಮಾಡುವಾಗ ಬಹಳ ಕಷ್ಟವಿದೆ. ಅನುಭವದ ಮಾತನ್ನು ನಾನು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಇದನ್ನು ಸರ್ಕಾರದವರು ಚೆನ್ನಾಗಿ ವಿಚಾರ ಮಾಡಬೇಕು. ನಾನು ಹೇಳಬಲ್ಲೆ. ಡಿಸ್ಟ್ರಿಬ್ಯೂಷನ್ನಿನಲ್ಲಿ ಹೆಚ್ಚು ತೊಂದರೆ ಇದೆ ಎಂದು. ನನಗೆ ಆ ಬಗ್ಗೆ ಬಹಳ ಅನುಭವವಿದೆ. ಇದನ್ನು ಕ್ಲೈಮ್ ಮಾಡುವಾಗ ಎಂಪ್ಲಾಯೀಸಿಗೆ ಮತ್ತು ಎಂಪ್ಲಾಯರ್ರಿಗೆ ವಿಶೇಷವಾಗಿ ಆರ್ಗ್ಯುಮೆಂಟ್ಸ್ ನಡೆಯುತ್ತದೆ. Section 4(3) is contradictory to section 7. ಮೆಟರ್ನಿಟಿ ಪೀರಿಯಡ್‌ಗಿಂತ ಒಂದು ವಾರ ಹೆಚ್ಚು ರಜವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಆದರೆ 12 ವಾರಗಳಿಗಿಂತ ಹೆಚ್ಚು ಒಂದು ತಿಂಗಳ ಸಂಬಳ, ಒಂದು ತಿಂಗಳ ರಜ, ಈ ಸೌಕರ್ಯಗಳನ್ನು 10(2) ಮತ್ತು 10(3)ಸೆಕ್ಷನ್ನುಗಳ ಪ್ರಕಾರ ಪಡೆಯುವುದಕ್ಕೆ ಮಾತ್ರ ಅವಕಾಶವಿದೆ. ಈ ಹಣವನ್ನು ಒಂದು ವೇಳೆ ಕೊಡಲಿಲ್ಲವೆಂದು ಹೇಳಿದರೆ, ಅದನ್ನು ಕೋರ್ಟಿನ ಮುಂದೆ ಪಡೆಯಬೇಕಾದರೆ, ಈ ಸೆಕ್ಷನ್ನಿನಿಂದ ಅಂತರ್ಭೇದವಾಗಿ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತದೆಂದು ನಾನು ತಿಳಿದಿದ್ದೇನೆ. ಅದೇನು any premature child birth ಅಥವಾ miscarriage ಯಾವುದು ಎಂಬುದು ನನಗೆ ತಿಳಿಯದು ಅಥವಾ ಇಂಟರ್‌ನ್ಯಾಷನಲ್ ಸ್ಟ್ಯಾಂಡರ್ಡ್ಸ್ ಪ್ರಕಾರ ಅದು ಚಿಕ್ಕಿಕಲಿ ಕರೆಕ್ಟೋ ಏನೋ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಆ ವಿಷಯದಲ್ಲಿ ನೀವೇ ಮಾತನಾಡದೆ ಹೋದರೆ, ಇನ್ನಾರು ಮಾತನಾಡುತ್ತಾರೆ ?

Sri M. C. NARASIMHAN.—I am not quite sure whether miscarriage can take place even after six months.

Sri T. SUBRAMANYA.—It is in accordance with that standard.

Sri M. C. NARASIMHAN.—If that is so, I am sorry (Sri C. K. Rajiah Setty prompted him). It may take place even after six months, that is what Sri Rajiah Setty states. ಇದರಲ್ಲಿ ಮಿಸ್‌ಕ್ಯಾರೇಜ್ 6 ತಿಂಗಳುಗಳೆಂದಿದೆ. It could not be correct.

Sri T. SUBRAMANYA.—It may be premature child-birth.

ಶ್ರೀ ಎಂ. ಸಿ. ನರಸಿಂಹನ್.—ಇಷ್ಟೊತ್ತು ಪ್ರೊಟೆಕ್ಷನ್ ಅವರಿಗೆ ಕೊಟ್ಟಿರುವುದೇನೋ ಸರಿ. ಆದರೆ ಪ್ರೆಗ್ನೆನ್ಸಿ ಕಾಲದಲ್ಲಿ ಅವರನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆಯಬಾರದು, ಅವರ ಉದ್ದೇಶ ಸಫಲವಾಗುತ್ತದೆಯೋ ಇಲ್ಲವೇ ಎಂಬ ಅನುಮಾನ ಅವರಿಗೆ ಬರುವ ಹಾಗೆ ಮಾಡಬಾರದು ಎಂದು ಕಾನೂನಿನಲ್ಲಿ ಹೇಳಿದೆ. ಆದರೆ ಅವರನ್ನು ಮುಂದೆ ಯಾವ ರೀತಿ ಕೆಲಸಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಎಂಬುದನ್ನು ಕಾನೂನಿನಲ್ಲಿ ವಿಶದವಾಗಿ ಹೇಳಿಲ್ಲ. ಹೆರಿಗೆ ಕಾಲದಲ್ಲಿ ಕೆಲಸಕ್ಕೆ ಬರಲಿಲ್ಲವೆಂದು ಆ ಪೀರಿಯಡ್ಡಿನಲ್ಲಿ ಅವರು ಏನಾದರೂ ಡಿಮ್ಯಾಂಡ್ಸ್ ಮಾಡಿದ್ದರೆ ಅದಕ್ಕೆ ಏನು ಮಾಡಬೇಕೆಂಬುದನ್ನು ಈ ಕಾನೂನಿನಲ್ಲಿ ಹೇಳಿಲ್ಲ. ಈ ವಿಷಯವನ್ನು ಇನ್‌ಸ್ಪೆಕ್ಟರ್ ಹತ್ತಿರ ಹೋಗಿ ಕಂಪ್ಲೇಂಟ್ ಮಾಡಿದರೆ ಅವರು ಸರ್ಕಾರದ ಅನುಮತಿಯನ್ನು ಪಡೆದು ಇಷ್ಟೊತ್ತು ಅಂತಹವರನ್ನು ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಮಾಡಬೇಕು ಎಂದು ಹೇಳುತ್ತಾರೆ. ಆಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟು ಏನು ಮಾಡುತ್ತಾರೆಂದರೆ 50 ಅಥವಾ 100 ರೂಪಾಯಿಗಳಷ್ಟು ಫೈನ್ ಹಾಕಬಹುದು.

ಇದನ್ನು ಒಂದು ನ್ಯಾಯವಾದ ಪರಿಹಾರ ಎಂದು ಭಾವಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಹಾಗೆ ಅವರಿಗೆ ಸರ್ಕಾರ ಒಂದು ಸೌಲಭ್ಯವನ್ನು ಕೊಡಬೇಕೆಂಬ ಅಭಿಪ್ರಾಯವಿದ್ದುದೇ ಆದರೆ ಆ ಪರಿಹಾರ ಕೊಡುವಂಥ ಅವಕಾಶವನ್ನು ತಾವು ನ್ಯಾಯಾಧೀಶರಿಗೆ ಕೊಡಬೇಕು. ಆದರೆ ಈಗ ನೊಂದ ಪಾರ್ಟಿಯೇ ನೇರವಾಗಿ ಹೋಗಿ ಆ ಪರಿಹಾರವನ್ನು ಹೊಂದಲು ಅವಕಾಶವಿಲ್ಲ. ಆ ಪಾರ್ಟಿಯು ಈ ಇನ್‌ಸ್ಪೆಕ್ಟರ ಮೂಲಕವೇ ಆ ಪರಿಹಾರವನ್ನು ಪಡೆಯಬೇಕಾಗಿದೆ. ಆದುದರಿಂದ ಈ ಮಸೂದೆಯಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ವ್ಯಕ್ತಿಯೇ ನೇರವಾಗಿ ಆ ಸೌಲಭ್ಯವನ್ನು ಪಡೆಯುವಂಥ ಹಕ್ಕಿಲ್ಲ. ಇಲ್ಲಿ ಸರ್ಕಾರದವರು ಸೂಚಿಸಿರುವಂಥ ಪರಿಹಾರೋಪಾಯದ ಮಾರ್ಗವನ್ನು ಇನ್ನೂ ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಸಬಹುದಾಗಿತ್ತು. ಹಾಗೆ ತಿಳಿಸದೆ ಇರುವುದರಿಂದ ಈ ಕ್ಲಾಜ್ 10ರಲ್ಲಿ ಹೇಳಿರತಕ್ಕದ್ದು ನಿಜವಾಗಿಯೂ ಸಫಲವಾಗುತ್ತದೆಯೋ ಎನ್ನುವುದು ಅನುಮಾನಾಸ್ಪದವಾಗಿದೆ. ಸರ್ಕಾರದವರು ಈ ದಿವಸ ಹೀಗೆಲ್ಲ ಫ್ಯಾಕ್ಟರಿ ವರ್ಕರುಗಳಾಗಿರತಕ್ಕ ಮಹಿಳೆಯರಿಗೆ ಕೆಲವು ಹೆಚ್ಚಿನ ಸೌಲಭ್ಯಗಳನ್ನಿತ್ತಿರುವುದರಿಂದ ನಾಳೆಯ ದಿವಸ ಆ ಫ್ಯಾಕ್ಟರಿಗಳ ಮಾಲೀಕರು ಈ ಮಹಿಳೆಯರ ಸಂಖ್ಯೆಯನ್ನೇ ಕಡಮೆ ಮಾಡಬಹುದು. ಆ ಒಂದು ಟೆಂಡೆನ್ಸೀ ಸಹ ಅವರಲ್ಲಿ ಹುಟ್ಟುವುದು ಸಹಜವಾಗೇ ಇದೆ. ಆದರೆ ಅದಕ್ಕೆ ಅವಕಾಶ ಕೊಡದಂತೆ ನೋಡಿಕೊಳ್ಳಬೇಕಾದುದು ಒಂದು ಹೆಚ್ಚಿನ ಕೆಲಸವೇ. ಅಂತೂ ಈ ಕ್ಲಾಜಿನಲ್ಲಿ ಹೇಳಿರತಕ್ಕ ಸೌಲಭ್ಯ ಅವರಿಗೆ ದೊರೆಯಬೇಕಾಗಿದ್ದರೆ ಈ ಅಧಿಕಾರವನ್ನು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಕೊಡಬೇಕೆಂದು ಹೇಳಬಯಸುತ್ತೇನೆ. ಹಾಗಾದರೆ ಇದು ಸರಿ ಹೋಗುತ್ತದೆ. ಆದರೆ ಈ ಮೆಟರ್ನಿಟಿ ಬೆನಿಫಿಟ್ ಪಡೆಯಲು ಒಂದು ವೈಯಕ್ತಿಕವಾದ ದಾರಿಯಿಲ್ಲ. ಆ ಇನ್‌ಸ್ಪೆಕ್ಟರ ಮೂಲಕವೇ ಹೋಗಬೇಕಾಗಿರುತ್ತದೆಂದು ಇಲ್ಲಿ ತಿಳಿಸಲಾಗಿದೆ. ಇದರಿಂದ ಹೆಚ್ಚಿನ ಕಾಲವಿಳಂಬವಾಗುತ್ತದೆ. ಆದರೆ ಇದೇ ಸೌಲಭ್ಯವನ್ನು ಮದ್ರಾಸಿನಲ್ಲಿ ಬಹಳ ಸುಲಭ ಮಾಡಿದ್ದಾರೆ. 1958ನೇಯ ಮೆಟರ್ನಿಟಿ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಈ ಬೆನಿಫಿಟ್ ಪಡೆಯಲು ವ್ಯಕ್ತಿಗಳಿಗೇ ಹಕ್ಕನ್ನು ಕೊಡಲಾಗಿದೆ. ಅವರೇ ನೇರವಾಗಿ ಅರ್ಜಿ ಹಾಕಿಕೊಳ್ಳಬಹುದು. ಆದರೆ ಈ ಮಸೂದೆಯಲ್ಲಿ ಅಂಥ ಪ್ರಾವಿಷನ್ ಇರುವುದಿಲ್ಲ. ಆ ರೀತಿ ಇಲ್ಲಿಯೂ ಮಾಡಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತೆಂದು ಹೇಳಬಯಸುತ್ತೇನೆ.

Sri T. SUBRAMANYA.—What is the mode of recovery there ?

Sri M. C. NARASIMHAN.—Under section 15 any person can make An application to the authority prescribed under the Payment of Wages Act. The authority is the Munsiff in some places and in other places it is the Additional District Magistrate.

Sri T. SUBRAMANYA.—How is it recovered ?

Sri M. C. NARASIMHAN.—It is recovered as any other decree may be as arrears of land revenue. I am not saying anything against that, but what I am saying is that there is no individual remedy here. Suppose an Inspector chooses not to prefer a complaint to the Magistrate. Then the worker has no relief. He cannot initiate himself the whole proceedings because the Inspector has not taken the judicial notice of it. ಹೀಗಿರುವುದರಿಂದ ಇಲ್ಲಿ ಆ ಇನ್‌ಸ್ಪೆಕ್ಟರನ್ನು ಇನ್‌ಫ್ಲುಯೆನ್ಸ್ ಮಾಡಿಸ ಬೇಕಾಗುತ್ತದೆ.

Sri T. SUBRAMANYA.—I suppose you will not influence the Inspector.

Sri M. C. NARASIMHAN. I declars that it is my profession to influence the Inspector in favour of the worker, whereas you will possibly do the contrary.

ಇನ್ನು ಕೊನೆಯದಾಗಿ ಕ್ಲಾಜ್ 4 (2)ರಲ್ಲಿ notwithstanding anything contained ..... Hassan, Chikmagalur and Coorg......ಈ ಶಾಸನ ಜಾರಿಗೆ ಬರುವುದಕ್ಕೆ ಮುಂಚೆ ಯಾವುದಾದರೂ ಅಗ್ರೀಮೆಂಟುಗಳು ಆಗಿದ್ದು ಆ ಅಗ್ರೀಮೆಂಟುಗಳ ಆಧಾರದ ಮೇಲೆ ಏನಾದರೂ ಕಾರ್ಮಿಕರಿಗೆ ಹೆಚ್ಚಿನ ಸೌಲಭ್ಯಗಳು ಎಂದರೆ ಪಗಾರ ವಗೈರೆ ಬರುತ್ತಿದ್ದರೆ ಅಂಥ ಅನುಕೂಲಗಳು ಉಳಿಯುವಂತೆ ಈ ಶಾಸನದಲ್ಲಿ ಯಾವ ಪ್ರಾವಿಷನ್ ಸಹ ಮಾಡಿರುವುದಿಲ್ಲ. ಅಂದರೆ ಅವು ಉಳಿಯುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದ ಹಾಗಾಯಿತು. ಒಂದು ದೃಷ್ಟಿಯಿಂದ ನೋಡಿದರೆ ಈ ಮಸೂದೆಯ ವ್ಯಾಪ್ತಿ ಅಷ್ಟೇನೂ ಹೆಚ್ಚಿದ್ದಂತೆ ಪರಿಗಣಿಸುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಈಗ ಪ್ಲಾಂಟೇಷನ್ಸ್ ಲೇಬರ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಲೇಬರ್‌ಗೆ 12 ವಾರಗಳ ರಜ ಸಿಕ್ಕುವಂತ ಅನುಕೂಲವಿದೆ. ಅಷ್ಟೇ ಅಲ್ಲದೆ ಆ ತೋಟಗಳ ಮಾಲೀಕರಿಂದ ಕಾರ್ಮಿಕರಿಗೆ ಆಸ್ಪತ್ರೆ ಇತ್ಯಾದಿ ಸೌಕರ್ಯಗಳನ್ನೊದಗಿಸಬೇಕೆಂದೂ, ಹಾಗೆ ಒದಗಿಸದೆ ಇದ್ದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಚೀಫ್-ಇನ್‌ಸ್ಪೆಕ್ಟರು ಆ ಮಾಲೀಕರಿಂದ ಅದರ ಕಾಸ್ಟನ್ನು ರಿಕವರ್ ಮಾಡಬೇಕೆಂದೂ ಇತ್ತು. ಆದರೆ ಈಗ ಮಸೂದೆಯ ಕ್ಲಾಜು 4 (2)ರ ಪ್ರಕಾರ ಲೇಬರರ್ಸಿಗೆ ಕ್ಯಾಷ್ ಬೆನಿಫಿಟ್ ಮಾತ್ರ ದೊರೆಯಬಹುದೇ ಶಿವಾಯಿ ಬೇರೆ ಅನುಕೂಲಗಳಾವುವೂ ಸಿಕ್ಕುವುದಿಲ್ಲ. ಅಂಥ ಹೆಚ್ಚಿನ ಸೌಲಭ್ಯಗಳನ್ನು ನೀಡತಕ್ಕಂಥಾ ಅಗ್ರಿಮೆಂಟುಗಳು ಇನ್ನೂ ಜಾರಿಯಲ್ಲಿರಬಹುದು. ಅಂಥ ಅನುಕೂಲಗಳನ್ನು ಮುಂದುವರಿಸುವಂಥ ಸ್ಕೋಪ್ ಒಂದು ಈ ಕ್ಲಾಜ್ 4 (2)ರಲ್ಲಿ ಕೊಟ್ಟಿಲ್ಲದಿರುವುದು ಸರಿಯಾದ್ದಲ್ಲ ಎನ್ನುವುದನ್ನು ನಾನೀಗ ತಿಳಿಸ ಬಯಸುತ್ತೇನೆ. ಆದರೆ ಈ ಶಾಸನದಲ್ಲೂ ಕೆಲವು ಒಳ್ಳೆಯ ಅಂಶಗಳಿರುವುದರಿಂದ ಈ ಕಾನೂನನ್ನು ಜಾಗ್ರತೆ ಜಾರಿಗೆ ತರಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಆದರೆ ಈ ಕಾರ್ಮಿಕ ಶಾಖೆಯು ಇಷ್ಟೆಲ್ಲ ವಿಚಾರವನ್ನು ಹೇಳುತ್ತಿರುವಾಗ ಈ ಕಾನೂನಿನಲ್ಲಿ ಹೇಳಿರತಕ್ಕ ಅಂಶಗಳನ್ನೆಲ್ಲ ಜಾರಿಗೆ ತರಲು ಈಗ ಸಾಕಷ್ಟು ಸಿಬ್ಬಂದಿಯಿಲ್ಲ, ವ್ಯವಸ್ಥೆಯೂ ಸಹ ಸರಿಯಾಗಿಲ್ಲ. ಉದಾಹರಣೆಗೆ ಹೇಳುವುದಾದರೆ ಈ ದಿವಸ ಪ್ಲಾಂಟೇಷನ್ ಇನ್‌ಸ್ಪೆಕ್ಟರುಗಳಿಗೆ ಓಡಾಡಲು ವಾಹನ ಸೌಕರ್ಯವಿರುವುದಿಲ್ಲ. ಮೂರು ಜಿಲ್ಲೆಗಳಿಗೆ ಒಂದು ವ್ಯಾನ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅದೇ ಸೋಷಿಯಲ್ ವೆಲ್‌ಫೇರ್ ಸ್ಕೀಮಿನಲ್ಲಿ ಅಮಲ್ದಾರರಿಗೂ, ಮಹಿಳಾ ಅಧ್ಯಕ್ಷಿಣಿಯರಿಗೂ ಹೀಗೆ ಎಲ್ಲರಿಗೂ ಒಂದೊಂದು ಜೀಪನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ. ಆದರೆ ಈ ಲೇಬರರ್ಸ್ ವಿಚಾರದಲ್ಲಿ ಹಾಗಿಲ್ಲ. ಕೂರ್ಗಿನಲ್ಲಿ ಒಂದು ಜೀಪಿತ್ತು. ಒಂದಾವರ್ತಿ ವ್ಯಾಜ್ಯ ಬಂದು ಆ ಜೀಪನ್ನು ಹಾಸನ ಚಿಕ್ಕಮಗಳೂರು ಮತ್ತು ಕೊಡಗು ಈ ಮೂರು ಜಿಲ್ಲೆಗಳಿಗೆ ಹಂಚತಕ್ಕ ತೀರ್ಮಾನವಾಯಿತು. ಆದರೆ ಅದು ಮುಂದೇನಾಯಿತೋ ಗೊತ್ತಿಲ್ಲ. ಆದುದರಿಂದ ಸರ್ಕಾರದವರು ಈ ಬಗ್ಗೆ ವಾಹನ ಸೌಕರ್ಯವನ್ನೊದಗಿಸದಿದ್ದರೆ ಈ ಶಾಸನದಲ್ಲಿ ಹೇಳಿರತಕ್ಕ ಅಂಶಗಳನ್ನು ಜಾರಿಗೆ ತರಲು ಖಂಡಿತ ಸಾಧ್ಯವಿಲ್ಲ. ಹೀಗಿರುವುದರಿಂದ ಅನೇಕರಿಗೆ ಈ ದಿವಸ ಎಷ್ಟು ಪ್ಲಾಂಟೇಷನ್‌ಗಳಿವೆ, ಅವು ಎಲ್ಲೆಲ್ಲಿರುತ್ತವೆ, ಅಲ್ಲಿ ಎಷ್ಟು ಜನ ಕಾರ್ಮಿಕರಿರುತ್ತಾರೆ ; ಲೇಬರ್ ಕಮಿಷನರ್ ಮತ್ತು ಅಸಿಸ್ಟೆಂಟ್ ಲೇಬರ್ ಕಮಿಷನರೆಷ್ಟು ಜನಗಳಿರುತ್ತಾರೆ ಎನ್ನುವುದು ಒಂದೂ ಗೊತ್ತಿಲ್ಲ. ಈ ಮಾತುಗಳನ್ನೆಲ್ಲ ನಾನು ಸಾಕಷ್ಟು ಶೋಧನೆ ಮಾಡಿ ಜವಾಬ್ದಾರಿಯನ್ನರಿತು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಈಗ ಒದಗಿಸಿರುವ ವ್ಯಾನುಗಳು ಇಡಿಯ ಜಿಲ್ಲೆಯ ಅಗ್ರಿಕಲ್ಚರಲ್ ಮತ್ತು ಸಿಬ್ಬಂದಿಯ ಇಬ್ಬರ ವ್ಯವಹಾರಗಳಿಗೆ ಸಾಲದು. ಲಕ್ಷಾಂತರ ರೂಪಾಯಿಗಳ ವ್ಯವಹಾರ ನಡೆಯತಕ್ಕ ಸ್ಥಳಗಳಲ್ಲಿ ಮತ್ತು ಇಡಿಯ ದೇಶದಾದ್ಯಂತವೂ ವ್ಯಾಪಿಸುವ ಈ ಕಾನೂನಿನ ಎಲ್ಲ ಅಂಶಗಳನ್ನು ಜಾರಿಗೆ ತರಬೇಕಾದರೆ ಇನ್ನೂ ಹೆಚ್ಚಿನ ಆಡಳಿತ ವ್ಯವಸ್ಥೆಯನ್ನು ಏರ್ಪಡಿಸಬೇಕು ಮತ್ತು ವಾಹನ ಸೌಕರ್ಯಗಳನ್ನೊದಗಿಸಬೇಕೆಂದು ಹೇಳಿ ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

† **Sri F. H. MOHSIN** (Hubli City).—Sir, I rise to support the Mysore Maternity Benefit Bill, 1958. The Bill is proposed to give benefit to our sisters who might be under confinement and under pregnancy. Under the first clause of the Bill, it is stated that it shall apply in the first instance, to all factories, mines and plantations. In sub-clause (1), it is also stated that the State Government may apply the provisions of this Bill to any class of establishments, industrial, commercial or otherwise. But, at present, Government intends to apply this Act only to the factories, mines and plantations and not to other establishments. Sir, there are so many other establishments which need the Government's attention. For example, the workers employed under the local authorities--Municipalities, Corporations—also need the sympathetic consideration of the Government in this respect. Thousands of women workers are employed in the Corporation and hundreds in the Municipal boroughs

and the District Municipalities. A large number of sweepers come from this sect. Nothing is proposed in this Act for such employees. It would be really hard if we give these benefits to the workers in factories, mines and planatations and deny the same to the workers now employed by Municipalities and Corporations. Similarly, Sir, alarge number of women work as teachers in the Education Department, in primary, middle and high schools. They come under the definition of 'establishments. The Act intends to help these establishments also but not at present. I do not know why this should be denied to the women teachers working in the Education Department. As you know, education suffers for want of women teachers and women teachers have got this disability. They have to go on leave and the leave provided for them in the Primary Education Act is quite inadequate. They cannot have better benefits than those provided for the workers in the mines and factories. Many a time, such sisters will have to work even under pregnancy I know several intances where they cannot extend the leave due to poverty and as a result we have seen so many disasters. Looking into all these factors, I urge the Government to apply this Act, in the first instance, only to the workers working in the local authorities and to the teachers.

Sri Narasimhan expressed a doubt whether the benefits of this Act would be made available to the clerical staff also working in the factories, mines, etc. Of course, some words in sub-clause (1) of clause 2 raise some difficulty. As my friend has already put it, 'worker in the factory' must include the clerical staff also. Hence my proposal is, it would be sufficient to state "worker" in relation to factory means, "a person employed in a factory or a plantation or an establishment."

Then, sub-clause 2 of clause 3:

> "During the period of pregnancy a woman shall not be knowingly employed on work which is arduous or which requires long hours of standing at one place or which may in any way interfere with her pregnancy and is likely to cause miscarriage or adversely affect her health or interfere with the normal development of foetus".

So, this is only a clause which says that during the period of pregnancy a woman and shall not be knowingly employed. The employer may say that he did not know anything about the pregnancy at all. It would be better if we say, "knowingly employed or has reason to believe". That would be more appropriate. Otherwise, the employer may avoid the prohibition of employment, saying that he did not know about it at all. So the words, 'or has reason to believe' ought to be included.

Then again, Sir, clause 7 deals with "leave for illness arising out of pregnancy or confinement". I think, even the mover of the Bill intends that this leave should be given in the case of illness arising out of miscarriage also.

SRI T. SUBRAMANYA.—That is not contemplated.

SRI F. H. MOHSIN.—If that is not contemplated, that should also be considered in this Bill. When we are sympathetic towards a person whose illness has arisen out of confinement and pregnancy, I do not know the reason why it should not be extended to a person who applies for leave due to illness arising out of miscarriage. After all, miscarriages may not be in hundreds. So, this benefit must be extended to such women also.

Sri Narasimhan also pointed out the difficulty under sub-clause (2) of clause 18. If the Inspector fails to give sanction, there is no prosecution for any offence against this Act, and the worker may not have any remedy for recovery of the maternity benefit. Hence, it would be better that we delete sub-clause (2) of clause 18. For this, the sanction of the Inspector should not be made compulsory.

In conclusion, Sir, I may say, the principles involved in this Bill are there to give more benefits to our sisters and I hope that the workers should receive it with more joy. Hence, I support this Bill.

4-30 P.M.

† Sri V. SRINIVAS SHETTY (Coondapoor —I rise to support this Bill with a few observations in support of my friends Sri Narasimhan and Sri Mohsin. In clause 2—sub-clause (a , " Certifying Surgeon " means a qualified medical practitioner appointed as such for the purposes of this Act.' We know lethargy or the tardiness of the Government in making proper appointments and in view of the fact that the workers generally and in particular women folk generally are ignorant, it is better that these qualified surgeons should certify that; there is no doubt about it. But why should this be done only by a qualified surgeon appointed by the Government, I fail to understand. A qualified medical practitioner would have been quite sufficient for the purpose of a certificate rather than a surgeon appointed by the Government.

Now with regard to sub-clause (1), the cogent argument advanced by my friend Sri Narasimhan has made it clear Of course, there is a distinction between clerical staff in a factory and clerical staff in other institutions. Why women folk in factories who are employed as clerks have been excluded from the benefits of this Bill, I am unable to understand. It is quite clear that women clerks in other institutions get the benefit whereas in factories they do not get it. It must be an oversight, I do not attribute any motive to the Government.

Sri T. SUBRAMANYA.—There is no motive. They are excluded.

Sri V. SRINIVASA SHETTY.—If it is unintentional, it can be excused. If it is intentional, it is really unjust. When the Government is giving such benefit to women workers in other cases, why not they give the benefit to women clerks in factories. If there is any reason, I hope the Minister will give it.

Sri T. SUBRAMANYA.—Same reason why they are excluded under the Factories Act.

Sri V. SRINIVAS SHETTY.—This benefit is given to women-folk in other institutions. Why similar benefit is not given under this Bill? We are not considering the Factories Act here. We are considering the Maternity Benefit Bill. The very clause says that the benefit is given to other institutions whereas it is not given to women-folk in factories. Here this very clause gives such a benefit. So patently it is unjust. I suggest that the Government generously would accept the amendment of my friend.

Now regarding clause 5, there is some confusion :

> " Any woman in a factory or a mine or a plantation or in any establishment entitled to maternity benefit under the provisions of this Act, may give notice in writing to her employer..."

It is not mandatory that a woman who is entitled to this benefit shall give notice. She may give notice and certain things follow if she gives notice.

> " ......may give notice in writing to her employer stating that her maternity benefit may be paid to her or such person as she may nominate in this behalf and that she will not work in any employment during the period for which she receives maternity benefit. If the woman has not been confined, such notice shall state that she expects to be confined within four weeks from the date of the notice ; if she has been confined, such notice shall be given within one week of her confinement."

Certain things follw after she gives notice. Now is it mandatory that the women who wants to claim maternity benefit shall always give notice ? It is a doubt which has arisen. Clause 10 says :

> " When a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for the employer to dismiss her during or on account of such absence, or to give notice of dismissal on such a day that the notice will expire during such absence."

It does not contemplate a notice a all. She is entitled to certain benefits

Sri T. SUBRAMANYA.—Under this Act she is entitled to that benefit only if she gives notice.

Sri V. SRINIVAS SHETTY.—Nowhere does it say that a woman shall give notice if she wants to claim maternity benefit. She may give notice and if she gives notice, certain things follow. I say that even if she does not give notice:, she is entitled to benefits. That is my personal view.

Clause 11 :

"Any woman claiming that maternity benefit to which she is entitled under this Act and any person claiming that the payment due under section 9 is improperly withheld may make a complaint....."

It does not also contemplate a notice. What prevents a woman who has delivered, from claiming a maternity benefit without giving notice? If the Minister feel she cannot claim, then of course the amendment has to be accepted. It is only my opinion for what it is worth. It may be a difficult case to prove. Even if she gives no notice, she is entitled to put in a claim for the benefit and it is a question of proof whether it is a real case of maternity and whether she is entitled and if so from what date; all these things may have to be gone through by the Inspector subsequently. If the Miniser feels that she is not entitled to the benefit if she does not give notice, it is better that things are made clear. They may say that it would be better that a woman wishing to put in a claim under this section, gives notice. They would have made it abundantly clear.

Sri T. SUBRAMANYA.—How can we compel her?

Sri V. SRINIVAS SHETTY.—The difficulty is, that a woman who is entitled may give notice; it gives an option to claim before notice or after notice; it is a bit vague as it is put in the clause.

There is some disparity between clause 5 and clause 12.

Clause 5 says:

"Any woman in a factory or a mine or a plantation or in an establishment entitled to maternity benefit under the provisions of this Act, may give notice in writing to her employer stating that her maternity benefit may be paid to her or to such other person as she may nominate in this behalf and that she will not work in any employment during the period for which she receives maternity benefit ....."

Clause 12 :

"If a woman works in any factory, mine, plantation or establishment after she has been permitted by the employer to absent herself under the provision of section 5, she shall forfeit her claim to the payment of maternity benefit to which she is entitled."

This is quite natural. But under clause 5, "that she will not work in any employment during the period for which she receives maternity benefit" is what I fail to understand. The substitution of the words "factory, mine planation or establishment" found in clause 12 for the word 'employment' occurring in clause 5 would have made things quite clear.

In clause 5 it is said :

"......her maternity benefit may be paid to her or to such other person as she may nominate in this behalf and that she will not work in any employment during the period for which she receives maternity benefit."

What is the sort of employment? Is it the same sort of employment that is contemplated in clause 12 which says "If a woman works in any factory, mine, plantation or establishment after she has been permitted by the employer to absent herself"? Or is it any other employment? It does not make it clear. The employer may later on contend even if she works in her husband's shop, it is employment.

Sri T. SUBRAMANYA.—Don't carry things to absurdity.

Sri V. SRINIVAS SHETTY.—The hon'ble Minister and myself may not carry it to absurdity. But the substitution of these words may have made the meaning clear. With these suggestions I welcome this Bill.

†Sri L. S. VENKAJI RAO (Basavangudi).—Mr. Speaker, Sir, I have heard with rapt attention the speeches made by my Hon'ble friends, Sri Narasimhan, Sri Srinivas Setty and Sri Mohsin. I think we are trying to draw inference other than what it ought to be by reading clauses and sub-clauses without considering the co-relation between them. For instance, Sir, worker, in relation to a factory as defined in the Bill is very clear and make things easier for anybody who intends to understand the essence of it. I do not know why and how my friends would draw an inference that a clerk in any factory, for example, a Steno typist who is taken as Personal Assistant to the General Manager, is different from another Clerk or Secretary in other establishments elsewhere. It makes absolutely no difference whatsoever. The other thing is an establishment which according to the Act employs more than a certain number of persons is bound to give the benefits which are already being given by it. For instance, Municipalities and Corporations which employ women-folk have already given these amenities and they are in enjoyment of those amenities. If the number exceeds the limit prescribed in the Act, then such establishments are bound to come within the orbit of the Act.

Sri F. H. MOHSIN.—Those benefits are not given before the confinement but they are given after the confinement.

Sri L. S. VENKAJI RAO.—Nowadays, most of the plantations are having their own hospitals by virtue of the fact that it is in the interest of the planters themselves to have a hospital and qualified doctors. So, it becomes easier for any Government to introduce an enactment of this type. I have gone through the Bill and I think there is nothing new in it. All these things are being provided already to the women-folk. As such, introduction of too many irksome conditions and sub-clauses would be futile and it will not only be considered not innocuous but inappropriate also, in my opinion. One thing I have not found here is this: nowadays it has not only become a fashion but there is insistence also that family planning should dominate the mind of women-folk. As such, a provision towards that end by the introduction of some limitation on the benefits sought to be given in favour of women-folk is not found here. If an employee has three or four children, we must say there must be prohibition; indirectly the intention of family planning is carried out by fixing the maximum limit for the payment of benefits. I think, in future years, the Government will think of including such a provision in future legislation. I need not be emphatic about it. People know what they are entitled to and they insist upon getting benefits to the maximum. After the advent of independence, people have realised in this country what their duties are; so also what their benefits should be and ought to be. As such, a Bill of this type though found necessary was not strictly wanted, because almost all establishments were alert in regard to this and without any insistence from the Government they were already giving these benefits.

ಶ್ರೀ ಎಂ. ಸಿ. ನರಸಿಂಹನ್.—ಕೃಷ್ಣರಾಜೇಂದ್ರ ಮಿಲ್ಲಿನಲ್ಲಿ 8 ಆಣೆ ಮಾತ್ರ ಕೊಡುತ್ತಿದ್ದಾರೆ.

Sri L. S. VENKAJI RAO.—My Hon'ble friend is not up to date about certain things. Nowadays, there are creches for children, etc. Whether they like it or not, perforce, the employer in his own interest has done everything. The employers have realised greater benefits by offering such amenities to the employees. There is not much to doubt the intentions of the Government. I am of opinion, that the benefits proposed to be conferred on the employees by this Bill are being enjoyed by the employees.

The definition of the word "employer" in regard to other aspects gives a correct meaning, which in my opinion brings forth clearly the intention of the Bill. Hence I personally feel that no doubt need be entertained in regard

to the intention or the benefits that are sought to be provided in this Bill.

†ಶ್ರೀಮತಿ ಬಸವರಾಜೇಶ್ವರಿ (ಮಾನ್ವಿ).—ಅಧ್ಯಕ್ಷರೇ ಈಗ ಮಾನ್ಯಮಂತ್ರಿಗಳು ತಂದಿರತಕ್ಕ ಬಿಲ್ಲನ್ನು ನಾನು ಸ್ವಾಗತಿಸುತ್ತ ಕೆಲವು ವಿಷಯಗಳನ್ನು ಪ್ರಸ್ತಾಪಿಸಬೇಕೆಂದು ನಿಂತಿದ್ದೇನೆ.

ಸರ್ಕಾರದವರು ಇಷ್ಟು ದಿವಸಗಳ ಮೇಲೆ ಮಹಿಳೆಯರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂಥ ಒಂದು ಬಿಲ್ಲನ್ನು ತಂದುದಕ್ಕಾಗಿ ನಾನು ಅವರಿಗೆ ಮಹಿಳೆಯರ ಪರವಾಗಿ ಅಭಿನಂದನೆಗಳನ್ನರ್ಪಿಸಲು ನಿಂತಿದ್ದೇನೆ. ಕ್ಲಾಜ್ 3 (2)ರಲ್ಲಿ ತಾವು ಹೀಗೆ ಹೇಳಿದ್ದೀರಿ: "after she has given a notice under sub-section (1) of section (5)...Eight weeks of her confinement" ಎಂದರೆ ಇಲ್ಲಿ before confinement ಎಂದು ಮಾತ್ರ ಅರ್ಥವಾಗುತ್ತದೆ. ಆದರೆ ಈ ರಜಾ ಸೌಕರ್ಯವು ಅವರಿಗೆ before and after ಕೂಡ ಆ ಮಹಿಳೆಯರಿಗೆ ಸಿಕ್ಕುವ ಹಾಗೆ ಮಾಡಬೇಕೆಂದು ನಾನು ಸೂಚಿಸುತ್ತೇನೆ.

ಇನ್ನು ಕ್ಲಾಜ್ (5)ರ ಬಗ್ಗೆ ಶ್ರೀಮಾನ್ ನರಸಿಂಹನ್ ಅವರು, "ಯಾರು ನೋಟೀಸ್ ಕೊಡುತ್ತಾರೆ? ಅವರುಗಳಿಗಾರಿಗೂ ಅಂಥ ಅರ್ಹತೆ ಇರುವುದಿಲ್ಲ" ವೆಂದು ಹೇಳಿದರು. ಆದರೆ ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆ ಮಹಿಳೆಯ ಪರವಾಗಿ ಅವರ ಯಜಮಾನರು ಕೊಡಬಹುದು ಎಂದು ಹೇಳಿರುವಾಗ ಅವರು ಅಷ್ಟೊಂದು ಟೀಕೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವೇ ಇಲ್ಲವೆಂದು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು ಮಿಸ್‌ಕ್ಯಾರೇಜಿಗೆ ಮೂರು ವಾರಗಳ ರಜ ಕೊಡಲು ಈ ಮಸೂದೆಯಲ್ಲಿ ಒಂದು ಅವಕಾಶ ಮಾಡಲಾಗಿದೆ. ಆದರೆ ಮಿಸ್ ಕ್ಯಾರೇಜಿಗೆ ಮೂರು ವಾರಗಳ ರಜ ಸಾಲದು. ಕೊನೆಯ ಪಕ್ಷ ನಾಲ್ಕು ವಾರಗಳ ರಜವನ್ನಾದರೂ ಕೊಡಲೇಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಮಿಸ್ ಕ್ಯಾರೇಜ್‌ನ ಕ್ಲಾಜಿನ Explanation ನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ: " For the purpose of this section any premature delivery or abortion within a period of six months of pregnancy shall alone be deemed to be miscarrige, ಎಂದು ಹೇಳಿದೆ.

ಇದನ್ನು ಕಡೆಯ ಪಕ್ಷ ಏಳು ತಿಂಗಳುಗಳಿಗಾದರೂ extend ಮಾಡಬೇಕೆಂದು ಟೆಕ್ನಿಕಲ್ಲಾಗಿ ಹೇಳುತ್ತಿದ್ದೇನೆ.

ಇನ್ನು ಈ ಶಾಸನವನ್ನು ಜಾರಿ ಮಾಡುವ ಕಾಲಕ್ಕೆ ಈಗಾಗಲೆ ಶ್ರೀಮಾನ್ ಎಲ್. ಎಸ್. ವೆಂಕಾಜೀರಾವ್ ಅವರು ಹೇಳಿರುವಂತೆ ಸಾಮಾನ್ಯವಾಗಿ 3–4 ಮಕ್ಕಳುಗಳಾದ ಮೇಲೆ ಆ ಮಹಿಳೆಯರೆಲ್ಲ ಫ್ಯಾಮಿಲಿ ಪ್ಲಾನಿಂಗನ್ನು ಆಚರಣೆಗೆ ತರುವಂಥ ಒಂದು ಪ್ರೊವೈಜೋ ಇದರಲ್ಲಿರುವಂತೆ ಮಾಡಬೇಕು. ನಾವು ಮಾಡತಕ್ಕ ಫ್ಯಾಮಿಲಿ ಪ್ಲಾನಿಂಗ್ ಯಶಸ್ವಿಯಾಗಿ ಆಗಬೇಕೆಂದಿದ್ದರೆ ಇಂಥ ಒಂದು ಕ್ಲಾಜನ್ನು ಇದರಲ್ಲಿ ಸೇರಿಸತಕ್ಕದ್ದು ಅತ್ಯಾವಶ್ಯಕವಾದುದೆಂದು ನಾನು ಭಾವಿಸಿದ್ದೇನೆ.

ಇನು (13)ನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ ಕನ್‌ಫೈನಾಗಿರತಕ್ಕವರಿಗೆ ಹಾಲು ಕೊಡತಕ್ಕ ವಯಸ್ಸಿನ ಪರಿಮಿತಿಯ ಬಗ್ಗೆ ಇಲ್ಲಿ 2 ಎಂದು ಹೇಳಿದೆ. ಇಲ್ಲಿ ಹೇಳಿರತಕ್ಕ ಈ 'ಎರಡು' ಎನ್ನತಕ್ಕದ್ದು ವರ್ಷವೇ ಅಥವಾ ತಿಂಗಳೇ ಎನ್ನತಕ್ಕದ್ದೊಂದೂ ಸರಿಯಾಗಿ ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ. ಹಾಗೆ ಇದು ಎರಡು ತಿಂಗಳೆಂಬುದಾಗಿದ್ದರೆ ಅದು ಸಾಕಾಗುವುದಿಲ್ಲ ಈ ಅವಧಿಯನ್ನು ಕೊನೆಯ ಪಕ್ಷ ಐದು ತಿಂಗಳಿಗಾದರೂ ಹೆಚ್ಚಿಸಬೇಕೆಂದು ನಾನು ಇಷ್ಟು ಸಲಹೆಗಳನ್ನು ಮಾತ್ರ ಹೇಳಿ ನನಗೆ ಇಷ್ಟು ಮಾತನಾಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿಕೊಟ್ಟಿದ್ದಕ್ಕಾಗಿ ಅಧ್ಯಕ್ಷರನ್ನು ವಂದಿಸಿ ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri C. M. ARUMUGHAM (Kolar Gold Fields).—Sir, this is one of the progressive Bills which will help the poor people very much. I would, therefore, congratulate the Minister for Labour for being bold in bringing this measure.

Sir, the Bill provides rest for pregnant women before confinement; but I am sorry to note that their wages for this period of absence would be cut, as also the Dearness Allowance. The Labour Minister is a practical man and I am sure he would agree with me that most of the pregnant women do not prefer to take advantage of the maternity benefits before confinement under the existing enactments, in view of the fact that they would have to undergo monetary loss in the shape of a cut of wages. Therefore from the humanitarian aspect, pregnant women should get full wages and D. A. if they are to take advantage of the provision for leave before confinement. Most of the women are employed in the Corporations or Municipalities. A woman goes to a doctor and gets a certificate that she is carrying for the ninth month, but even after two months she would not deliver. It is a loss of wages. Therefore a clause must be provided, making it obligatory on the employer to provide a midwife or a health visitor to visit the women and report on her condition. The D.A. should not be cut. For example, a woman labourer in a mine gets 1 rupee per day plus Rs. 48 as D.A. If we are to cut the wages to 12 annas and provide them with one month's benefit before and two month's benefit after confinement, she would not be willing to go on leave prior to confinement.

Sir, the women should go to the maternity hospital. A lady doctor should visit the place. Such a responsibility should rest on the management and not on the women labourers. Most of the labouring women live in colonies and the employer should provide a health visitor to

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go and report ante-natal and post-natal cases. In many cases unqualified midwives are made to attend on them and therefore the women are put to trouble. Qualified staff should be provided. It should be compulsory for the management to provide qualified midwives.

The Management should also be responsible for providing after-care treatment. Merely giving Rs. 10/- would not do. The women can as well do away with this paltry sum. Some of the women labour do not have houses where confinement could take place. They would have to go to hospitals and it should be the responsibility of the management to provide proper transport. In some managements they provide carts and in others not even this. An ambulance should be provided for this purpose.

5 P.M.

Sri M. C. NARASIMHAN.—Not even that.

Sri C. M. ARUMUGHAM.—Yes, not even that. There fore you must provide ambulances for carrying women to hospitals. Another thing, for every continuous work of three hours you have provided half an hour's rest. That is very good. You must be congratulated.

I further suggest that for every health centre there must be a creche looked after by a midwife or nurse. Otherwise, you cannot expect a woman to sit on the road and feed the child. When she feeds the child she must have a free environment, free from supervision. She must be happy and then alone she can feed the child.

Sri M. C. NARASIMHAN.—There is no provision to make it compulsory.

Sri T. SUBRAMANYA.—There are other labour laws to make it incumbent.

Sri M. C. NARASIMHAN.—Even in the Corporation health centre there is no creche where women can rest and feed the child. So there must be a provision for enforcing that.

†Sri T. SUBRAMANYA.—There is no gainsaying the point that this Bill does not go to the extent that our friends want us to go. But it cannot be a one way traffic and therefore we have made the best possible Act under the circumstances.

I want to explain sub-clause (5) of clause 1. In the Act itself we cannot enumerate all establishments, municipalities, local bodies, town panchayats, village panchayats, etc., and therefore the Government have kept the power for them selves to say that the State Government may, after giving one month's notice of its intention of so doing, by notification, apply the provisions of this Act to any other establishment or class of establshments, industrial, commercial or otherwise. Please have no doubt about the *bona fides* of the Government in this respect. Do not smell a rat everywhere. It is done with the best of intentions to give relief to pregnant women working in several factories and other establishments. You may be certain that as time passes on we will try to cover all establishments in this country. It may be said that we have not got sufficient staff to reinforce all the regulations or labour laws a present. But we have to employ our staff keeping in view the over-all financial position of the State. I do not admit that we are short of hands but more hands may become necessary as we go on implementing the labour laws one after another and I hope the Government will make necessary arrangements for it.

Coming to clause 2—The Hon'ble Member Sri Narasimhan said that under (b) "employer" must include a contractor also. We cannot define "employer" by including all sorts of people. It includes whoever employs, whether he be a contractor or anybody else. It says:

> "employer" includes the occupier and the manager of a factory or a mine or a plantation or an establishment."

Though the manager of a factory or mine may say that he has not employed any, still we have brought

him under the purview of this regulation. It includes all people.

Sri G. VENKATAI GOWDA.—Is it a permanent or a temporary provision?

Sri T. SUBRAMANYA.—We have said that the benefits of this enactment will be available to any woman worker provided she has worked for 150 days within 12 months preceding her confinement whether continuously or intermittently.

Sri C. K. RAJIAH SETTY.—Are the Government aware that all the Acts relating to mines are enacted by the Centre?

Sri T. SUBRAMANYA.—That is why I am moving amendments to delete wherever the word 'mine' occurs.

Sri M. C. NARASIMHAN.—By way of clarification I would request the Hon'ble Minister to include contractor also under "employer".

Sri T. SUBRAMANYA.—It is not necessary. We cannot describe all people.

Sri G. VENKATAI GOWDA.—Tomorrow it may be argued that the person employing a woman may say that he is a contractor.

Sri T. SUBRAMANYA.—If he has employed a woman he becomes an employer.

Sri M. C. NARASIMHAN.—It is only as a contractor he has employed her.

Sri T. SUBRAMANYA.—He then becomes an employer. That is the natural interpretation given by a lawyer. I think Sri Srinivasa Setty will agree with me.

With regard to the Factories Act the matter has to be gone through. I am in full sympathy with the suggestion made here. I do not know whether we can fit in that here. The definition of 'worker' is given in sub-clause (l) of clause 2. It reads as follows:

> "'worker' in relation to a factory has the same meaning assigned to it by the Factories Act, 1948, and in relation to a mine or plantation or in relation to any other establishment means a person employed directly or through an agency, whether for hire or not, to do any work, skilled or unskilled, manual or clerical, or any person so employed under a contractor engaged in the execution of the whole or any part of any work which is ordinarily part of the trade or business of the employer, but does not include a person whose total emoluments exceed four hundred rupees per mensem or any member of the managerial staff, that is to say, the manager, assistant manager, or other agent of the employer."

Therefore the definition is very clear. If it requires any change, I suppose if we can do it under the rules we will certainly do it. I am sympathetic but, I am not prepared to make that change. The provisions of the Factories' Act have been used here because in clause 4 it is stated:

> "Subject to the provisions of this Act, every woman in a factory, mine, plantation or an establishment shall be entitled to......"

So the word used is not "worker" but "woman". I hope it will cover clerical staff also.

Sri M. C. NARASIMHAN.—Clause 4 is subject to clause 2 (1).

Sri T. SUBRAMANYA.—It relates to worker in relation to a factory, but this is not a worker as defined in the Factories Act. That is why I said, it requires greater examination. But I feel that the wording "subject to the provisions of this Act, every woman in a factory..." is very clear. The wording is 'every woman' and not 'every worker'.

Sri M. C. NARASIMHAN.—Clause 2 (k) defines 'woman.

Sri T. SUBRAMANYA.—Clause 2(k) says 'woman' means a woman worker. Then I feel that the clause as now worded may not include the clerical staff. I will have it examined, but today I am not in a position to say that I will extend this to the clerical staff also in a factory.

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With regard to clause 5, it says "Any woman in a factory or a mine or a plantation......may give notice in writing..." Now let us go to clause 3. Unless a woman gives notice she will not be entitled to leave of absence prior to confinement. She must give notice in writing. She may or she may not give, but if she gives notice she will be entitled to leave prior to confinement. Whether she gives notice or not, after confinement she will be entitled to leave and maternity benefit. Therefore there is no trouble.

Then we go to the total leave. The whole Bill is divided into several parts. For maternity benefit the total leave to be given is 12 weeks. It may not be more and it may not be less, but under other heads she will be entitled to more leave. If she falls ill during confinement or pregnancy she will be entitled to get 30 days' leave at 7/12th of her pay or at the rate of 75 nP per day. These are the things there. All the other labour laws which govern the relationship between employers and employees, the conditions of work, etc. are applicable in this case also. We only say that for maternity benefit, this is what we are going to give. The mode of enforcement also has been given. Some suggestion was made: why not we allow the woman worker to go to a court of law straight instead of going to the Inspector? You know to what an amount of harassment and difficulty it would lead to. The Labour Department must know that she comes under any of the provisions of this enactment, that there has been a default on the part of the employer. Then only can we sanction prosecution. For instance, may I ask, can a Municipal President be prosecuted directly by anybody unless Government sanctions the prosecution? It cannot be done. So also here it is the Labour Department that has to look into the matter first. You may say that the Labour Department is lethargic. It is usual to use such words. Yesterday also my friend Sri Hanumanthaiya said that the Under Secretaries were very lethargic and that they did not frame the Rules in time. I do not know what it was during the good old days when I was not in charge in the Ministry. I say that any Assembly or any Government can be proud of the work that we are doing with regard to the rules that we have framed. You passed an enactment in the month of August and we have already published the Rules relating to Village Panchayats and Local Boards.

SRI G. VENKATAI GOWDA.—That is because of the elections.

SRI T. SUBRAMANYA.—Whatever that may be, we have framed the rules and we have not wasted time. So what I say is this: do not accuse us for heaven's sake.

SRI G. VENKATAI GOWDA.—What about the Court Fees Act?

SRI T. SUBRAMANYA.—Why do you want to place the burden upon me? I have told you the reason for that several times in this House. The responsibility for that is not that of Governmet. Our portion of the work is over.

The responsibility lies somewhere else where we have no control. I have told you this a hundred times and it is for the one and hundredth time that you are putting this question. Three big enactments were passed by this House. Within three months all the rules in respect of them are really and placed before you for your information and acceptance. Therefore, you cannot unnecessarily and without foundation accuse the Secretariat staff, either the Secretaries or the Under Secretaries, of being lethargic.

SRI C. M. ARUMUGHAM.—We accuse the Government and not the Secretaries.

SRI T. SUBRAMANYA.—Yesterday somebody did it.

SRI V. SRINIVASA SHETTY.—Is it because Sri Hanumanthaiah is not in touch with the current trend of events?

SRI T. SUBRAMANYA.—I do not know. I wish I had more time to deal with it. Unfortunately, he is also not present here now. What I only want to say is this: "Please do not call us lethargic. We have been working;

apart from our working, I can now on the floor of this House certify that all the Secretaries of the Secretariat are doing their work well."

Sri V. SRINIVASA SHETTY.—That certificate should come from this side.

Sri T. SUBRAMANYA.—You are never in the habit of recognising merit. What can I do? You have always found a pleasure in criticising andnot recognising merit.

The powers of the Inspectors are there and we cannot allow an individua. to make a direct approach to the courtl

Sri C. K. RAJIAH SETTY.—Is the Inspector competent to launch a prosecution ?

Sri T. SUBRAMANYA.—If anybody is not satisfied with the decision of the Inspector, there is an appeal provided to the Labour Commissioner. What more do you want? You want to approach the Minister unnecessarily for all these things.

With these words I commend this Bill for the consideration of the House.

Mr. SPEAKER.—The question is:

"That the Mysore Maternity Benefit Bill, 1958,as passed by the Legislative Council, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clause 2.

Sri G. VENKATAI GOWDA.—Sir, I beg to move:

'That for sub-clause (*b*), the following shall be substituted :—

"(*b*) 'employer' means the owner or any person or persons who has or have ultimate control over the affairs of the establishment or factory or plantations and includes the occupier or lessee or the manager of a factory or a plantation or an establisment, the legal representative of a deceased employer and a contractor engaged in the execution of the whole or any part of any work which is ordinarily part of the trade or business of the employer".'

Mr. SPEAKER.—Amendment moved:

'That for sub-clause (*b*), the following shall be substituted :—

"(*b*) 'employer' means the owner or any person or persons who has or have ultimate control over the affairs of the establishment or factory or plantations and includes the occupier or lessee or the manager of a factory or a plantation or an establishment, the legal representative of a deceased employer and a contractor engaged in the execution of the whole or any part of any work which is ordinarily part of the trade or business of the employer".'

Sri G. VENKATAI GOWDA.—The definition as given here in the Bill is very limited in scope. In order to give a comprehensive meaning and give a wide scope, I have suggested this amendment. The definition, as it stands, does not include the legal representative of the deceased employer and also it does not include the contractor. The employer entrusts the work to a contractor. Then, the contractor employes the workers. A question may be raised that this contractor does not come under the provisions of this Act. He will be a sub-employer. He may say, that he is not liable under the provisions of this Act. In order to avoid that, it is necessary to include the contractor also and widen the scope of the definition. So, I have suggested this. It does not do any harm to the definition of 'employer' that is given here. There is nothing wrong in accepting this amendment as it avoids all complications that may arise later.

Sri M. C. NARASIMHAN.—Sir, this point has been gone through very carefully by me and after considering all the High Court judgments and the judgment of the Supreme Court in relation to the particular definition, we have thought out to give this amendment. This definition is part of section 2 (*n*) of the Factories Act. As the definition stands, I am well founded and I can even challenge any other

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interpretation relating to this, because it is definitely well known that it includes an occupier. 'Occupier' means a person who is in the sole control of the property. It only refers to the occupier of the factory and it does not refer to the contractor. So, Sir, it will never apply to the contractor; about that I am definite, because several cases have come up before the High Court.

Sri T. SUBRAMANYA.—If he is under a contractor, the management will not be responsible ; quite right.

†Sri M C NARASIMHAN —I know the next stage is that. That definition, as it stands, will never include the contractor who enters in a contract. That is not in the Bombay Industrial Act. It was found necessary to change the definition of 'employer' in this fashion. Section 2 (14) of the Bombay Industrial Relations Act definitely made it clear so far as the contractor employee is concerned, the person that is really responsible is the main employer and not the subsidiary employer, *i.e.*, the contractor. For example, in respect of contractor—employees in Bangalore and Mysore to which the E.S.I Act is made applicable in relation to maternity benefit, it is not the contractor who is a subsidiary employer but the main employer, namely, the occupier of the factory who is responsible. There is a valid reason. For instance, the contractor might carry out the contract for a short period of two or three months or may be a year. It would be very difficult to lanuch any prosecution and it will lead to a lot of litigation. That is why advisedly in the E.S.I. Act and and the Bombay Industrial Act an employer is deemed to include not merely the occupier, and the manager, as given here, but also includes the contractor who definitely comes into this definition. If you do not bring the contractor into this, nobody is going to get the benefit. Under section 5, to whom the notice in respect of a claim petition should be given? It can be given only to the employer. Here, you define employer as occupier and not contractor. So, notice can be given the occupier and not to the contractor. So far as the recovery is concerned, to whom should we issue the notice? Whichever way you look, this difficulty comes. If that was the intention, then, why not include in section 2, "worker" means "contractor-employee." The contractor-employee also becomes a worker not under the contractor, but under the principal employer. That is the reason why I looked into all the enactments and I am very clear in my mind that under the section, the contractor will not be held responsible. That is why I want this to be accepted.

†Sri T.SUBRAMANYA —I am sorry, I am not able to accept this amendment. The amendment tries to include all sorts of categories. What we have said is, that the word employer is easily understood and it includes also the occupier and the manager. Supposing there is a contractor doing some work for a factory and employs women. It is the contractor who employs them directly and the contractor is responsible. He is an employer so far as maternity benefit is concerned. Therefore, I am not going to accept this amendment, Sir.

Mr. SPEAKER.—The question is :

'That for sub-clause (*b*), the following shall be substituted :—

"(*b*) 'employer' means the owner or any person or persons who has or have ultimate control over the affairs of the establishment or factory or plantations and includes the occupier or lessee or the manager of a factory or a plantation or an establishment, the legal representative of a deceased employer and a contractor engaged in the execution of the whole or any part of any work which is ordinarily part of the trade or business of the employer".'

The motion was negatived.

Mr. SPEAKER.—Another amendment stands in the name of the Minister. It may be moved.

Sri T. SUBRAMANYA.—I move:

'That in items (b) and (f), the words "or a mine" shall be deleted'.

Mr. SPEAKER.—Amendment moved:

'That in items (b) and (f), the words "or a mine" shall be deleted'.

Sri T. SUBRAMANYA.—The reason is that mining labour is a Central subject. So, I want these words to be deleted.

Mr. SPEAKER.—The question is:

'That in items (b) and (f), the words "or a mine" shall be deleted.'

The motion was adopted.

Mr. SPEAKER.—There is an amendment in the name of Sri Narasimhan and Sri Venkatai Gowda. Either of them may move it.

Sri M. C. NARASIMHAN.—I beg to move:

'That at the end of sub-clause (f) before the semicolon, the words "and includes any money due on account of medical bonus or any type of leave contemplated under the Act" shall be inserted.'

Mr. SPEAKER.—Amendment moved:

'That at the end of sub-clause (f), before the semicolon, the words "and includes any money due on account of medical bonus or any type of leave contemplated under the Act" shall be inserted.'

5-30 P.M.

†Sri M. C. NARASIMHAN.—The point is only by way of clarification and there is not much difficulty in the Minister accepting it. As the difinition stands, it is no doubt true that all moneys payable under the provisions of this Act are available. But the difficulty is this. 'Maternity benefit' is the term used in section 4, but in clause 8 the term used is 'medical bonus' and section 7 does not say 'maternity benefit'. Again, under section 4, it is only a maximum period of 12 weeks, whereas additional facilities under section 7 and additional payment under section 8 are available. In order to clarify so that there may not be any dispute as to what is constituted by 'maternity benefit', I seek to include all the other items that are available under section 7 and section 8.

†Sri T. SUBRAMANYA.—I cannot accept this amendment because maternity benefit does not include medical bonus. It is divided into three portions—medical bonus, sickness allowance and maternity benefit. Therefore, as it is, the definition is all right.

Sri M. C. NARASIMHAN.—May I take it that 'medical bonus' is included in 'maternity benefit'?

Mr. SPEAKER.—He says that 'medical bonus' is not included.

Sri M. C. NARASIMHAN.—What he said is that sicks ess allowance is not included. Does he stick to it?

Sri T. SUBRAMANYA.—Yes. Under the scheme of the Act, it is divided into three portions and it is very clear here and therefore there is no necessity.

Mr. SPEAKER.—The question is:

'That at the end of sub-clause (f), before the semicolon, the words "and includes any money due on account of medical bonus or any type of leave contemplated under the Act" shall be inserted.'

The motion was negatived.

Sri T. SUBRAMANYA.—I move:

"That item (g) be deleted."

Mr. SPEAKER.—Amendment moved:

"That item (g) be deleted."

Sri T. SUBRAMANYA.—For the same reason because 'mine' means a mine as defined in clause (j) of section 2 of the Mines Act; that is a Central subject.

Mr. SPEAKER.—The question is:

"That item (g) be deleted."

The motion was adopted.

Sri T. SUBRAMANYA.—I move :

'That for item (*i*), the following item shall be substituted, namely :

"(*i*) 'Plantation' means any lhnd used or intended to be used for growing tea, coffee, rubber, or cinchona which measures 25 acres or more and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months and where the provisions of the Plantation Labour Act, 1951 (Central Act 69 of 1951) have been applied by notification under sub-section (4) of Section 1 of the said Act to any other class of plantations, means also any land used or intended to be used for growing the plant mentioned in such notification and whereon thirty or more persons are employed, or were, employed on any day of the preceding twelve months ;" '

Mr. SPEAKER.—Amendment moved :

'That for item (*i*), the following item shall be substituted, namely :

" (i) 'Plantation' means any land used or intended to be used for growing tea, coffee, rubber, or cinchona which measures 25 acres or more and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months and where the provisions of the Plantation Labour Act, 1951 (Central Act 69 of 1951) have been applied by notification under sub-section (4) of Section 1 of the said Act to any other class of plantations, means also any land used or intended to be used for growing the plant mentioned in such notification and whereon thirty or more persons rae employed, or were employed on any day of the preceding twelve months ;" '

Sri T. SUBRAMANYA.—This is intended to bring the definition in line with the definitions in other Acts.

Mr. SPEAKER.—The question is :

'That for item (*i*), the following item shall be substituted, namely :—

" (i) 'Plantation' means any land used or intended to be used for growing tea, coffee, rubber, or cinchona which measures 25 acres or more and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months and where the provisions of the Plantation Labour Act, 1951 (Central Act 69 of 1951) have been applied by notification under sub-section (4) of Section 1 of the said Act to any other class of plantations, means also any land used or intended to be used for growing the plant mentioned in such notification and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months ;" '

The motion was adopted.

Sri M. C. NARASIMHAN.—Sir, I move :

'That for sub-clause (*i*), the following shall be substituted :

" (*i*) 'Plantation' means any land to which the provisions of the Plantation Labour Act 1951, have been applied and includes any other plantations to which this Act may be extended by notification under section 1 (5), subject to such approval of the Central Government as may be necessary." '

Mr. SPEAKER.—Amendment moved :

"That for sub-clause (*i*), the following shall be substituted :—

'(*i*) 'Plantation' means any land to which the provisions of the Plantation Labour Act, 1951, have been applied and includes any other plantations to which this Act may be extended by notification under section 1 (5), subject to such approval of the Central Government as may be necessary.' "

†Sri M. C. NARASIMHAN.—The point is this. Even if we accept the other amendment which has already been accepted, in terms of that the State Government will not have power to extend the provisions of the Maternity Benefit Act to plantations below 25 acres which employ less than 30 persons. Unless they get special power through the particular amendment I have given and in consultation with the Central Government they cannot do it. When they are contemplating the extension of the provisions of this Act to small establishments employing 5 or 10 persons, there is no valid reason why this provision should not be extended to plantations below 25 acres, which definitely employ a vast number of women. If we do not have this amendment, then we are keeping the large number of women out of the benefits of this Act.

†Sri T. SUBRAMANYA.—It is the intention to keep the small holders of plantations outside the purview—less than 30 people working or less than 25 acres. That is why we thought 'plantation' means more than 25 acres and I oppose the amendment.

Mr. SPEAKER.—The question is :

"That for sub-clause (*i*), the following shall be substituted:—

"'Plantations' means any land to which the provisions of the Plantation Labour Act, 1951 have been applied and includes any other plantations to which this Act may be extended by notification under section 1 (5), subject to such approval of the Central Government as may be necessary."

The motion was negatived.

Sri T. SUBRAMANYA.—Sir, I move:

'That in item (*1*), the words 'a mine or" shall be deleted.'

Mr. SPEAKER.—Amendment moved :

'That in item (*1*), the words "a mine or' shall be deleted.'

Sri T. SUBRAMANYA.—The arguments are the same.—

Mr. SPEAKER.—The question is:

"That in item (*1*), the words 'a mine or' shall be deleted."

The motion was adopted.

Sri M. C. NARASIMHAN.—Sir, I move:

'That for sub-clause (*1*), the following shall be substituted :

"'Worker' includes any person employed directly or through any agency to do any skilled or unskilled, manual or clerical, supervisory or technical work whether for hire, reward or not, or any person so employed under a contractor engaged in the execution of the whole or any part of any work, which is ordinarily part of the trade or business of the employer, but does not include a person whose total emoluments exceed Rupees five hundred per mensem or any member of the managerial staff, that is to say the manager or assistant manager." '

Mr. SPEAKER.—Amendment moved:

'That for sub-clause (*1*), the following shall be substituted:

"'Worker' includes any person employed directly or through any agency to do any skilled or unskilled, manual or clerical, supervisory or technical work whether for hire, reward or not, or any person so employed under a contractor engaged in the execution of the whole or any part of any work, which is ordinarily part of the trade or business of the employer, but does not include a person whose total emoluments exceed Rupees five hundred per mensem or any member of the managerial staff, that is to say, the manager or assistant manager." '

†Sri M. C. NARASIMHAN.—It is rather an important provision. So, I would like the Minister to give a little more careful consideration than he seems to have given so far. The point is this. If the clause as it is, is passed, then he will be himself introducing an invidious distinction between two

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classes of establishment. In so far as the Factories are concerned, as per the Factories Act which defines 'worker', it has been definitely held by the High Court that it does not apply to clerical section in a factory because that does not come under it. The word 'Factory' is defined in a peculiar way that it involves manufacturing process. Since there is no manufacturing process in an administrative section, it has been held that the provisions of the Act do not apply to clerical staff. If you incorporate the same definition in this Act also, the definition which is contemplated in the Factories Act, we will be depriving so far as Factories are concerned, maternity benefits. If you read the definition of 'worker' you will find that in relation to plantation or mines or in relation to any other establishment it includes a person employed directly or through an agency whether for hire or not to do any work, skilled or unskilled, manual or clerical, or any person so employed under a contractor engaged in the execution of the whole or any part of any work which is ordinarily part of the trade or business of the employer, but does not include a person whose total emoluments exceed four hundred rupees per mensem or any member of the managerial staff, that is to say, the manager, assistant manager, or other agent of the employer. The latter portion of the definition proposes to confine the benefits to persons who draw up to Rs. 400, so for as the plantation is concerned or so far as any other establishment is concerned, and that means, it would apply to clerical Department also. But when it comes to factories, it does not apply to them. It can never stand scrutiny if you make distinction between two classes of people for no reason whatever, for no criterion whatever. Under these circumstances, I do not see any reason why my amendment should not be accepted. I will explain: the first portion of the amendment is to simply omit reference to the Factories Act. If that is done, then there will be no trouble. I incidentally mention that the Employees State Insurance Act is applicable to Bangalore and Mysore today and it will be extended at a later stage to the whole of the State. There is no such distinction between clerk and manual worker. Another amendment I have introduced is: instead of Rs. 400 as upper limit, we may have Rs. 500. This is also in keeping with the Industrial Disputes Act which has been subsequently amended in 1956. About the rest, there is no trouble. So far as the factories are concerned, the word used is 'wages' and so the question of persons drawing monthly salaries will never arise. If making invidious distinction is not the policy of the State, if the Hon'ble Minister does not make distinction between women and and women employed in factories and establishments, if he does not stand for such discrimination, he should accept my amendment. If he wants to discriminate, it is up to him. He was threatening to suggest that it was possible to include it in the rules. I am yet to learn, when the section itself does not empower to include it, how can it be incorporated in the rules contrary to the powers contained in the Section. Still if it is possible to include it, I have no objection.

Sri T. SUBRAMANYA.—I am sympathetic about that move to include women clerical workers also. But the amendment as it stands, I cannot accept because it raises the minimum to Rs. 500.

Sri M. C. NARASIMHAN.—If you are agreeable to the amendment, I have no objection to lower it to Rs. 400.

Sri T. SUBRAMANYA.—There is a lot of difference.

Mr. SPEAKER.—Is the Minister accepting the amendment or not ?

Sri T. SUBRAMANYA.—No.

Mr. SPEAKER.—The question is :

'That for sub-clause (*1*), the following shall be substituted :

" 'worker' includes any person employed directly or through any agency to do any skilled or unskilled, manual or clerical, supervisory or technical work whether for hire, reward or not, or any

person so employed under a contractor engaged in the execution of the whole or any part of any work, which is ordinarily part of the trade or business of the employer, but does not include a person whose total emoluments exceed Rupees five hundred per mensem or any member of the managerial staff, that is to say, the manager or assistant manager." '

The motion was negatived.

Mr. SPEAKER.—The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 3. There is an amendment in the name of the Hon'ble Minister.

Sri T. SUBRAMANYA.—I beg to move:

'That the word "mine" wherever it occurs shall be deleted.'

Mr. SPEAKER.—The question is:

'That the word "mine" wherever it occurs shall be deleted.'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 4.

Sri T. SUBRAMANYA.—I beg to move:

'That in the heading the word "mines" and in sub-clauses (1) and (2), the word "mine" wherever it occurs shall be deleted.'

Mr. SPEAKER.—The question is:

'That in the heading the word "mines" and in sub-clauses (1) and (2), the word "mine" wherever it occurs shall be deleted.'

The motion was adopted.

Sri G. VENKATAI GOWDA.—I beg to move:

'That for sub-clause (2) the following shall be substituted; namely:—

"(2) Nothing contained in this Act shall affect any rights or privileges which a worker in any factory, plantation or establishment is entitled to on the date this Act comes into force, under any Act or rules, contract, custom, usage applicable to such factory, plantation or establishment, or any award, settlement or agreement binding on the employer and the worker, if such rights or privileges are more favourable to her than those to which she would be entitled under this Act." '

Mr. SPEAKER.—Amendment moved:

'That for sub-clause (2), the following shall be substituted, namely:—

"(2) Nothing contained in this Act shall affect any rights or privileges which a worker in any factory, plantation or establishment is entitled to on the date this Act comes into force, under any Act or rules, contract, custom, usage applicable to such factory, plantation or establishment, or any award, settlement or agreement binding on the employer and the worker, if such rights or privileges are more favourable to her than those to which she would be entitled under this Act." '

Sri G. VENKATAI GOWDA.—I have not conveyed any meaning different from that of the Bill as it stands at present. What I have sought is to make it more specific in this particular matter by having the words substituted "any rights and privileges." What the sub-section (2) in the Bill says is whatever maternity benefit, if it is a higher amount than what it is

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before the commencement of the Act, that a woman is entitled to, she will be entitled to have that higher rate ignoring the benefits under the provisions of this Bill. What I seek to convey by the amendment is whatever rights and privileges that woman worker has before the commencement of the Act, if those rights and privileges are more favourable to the woman worker than those provided under this Act, then those rights and privileges are made applicable so far as she is concerned. The meaning contained in both the sub-clauses is the same. The extra thing is rights and privileges. It may be possible that the rights and privileges that may accrue to her under the provisions of other Acts may be more favourable than the maternity benefits she is entitled to under the provisions of this Bill; then let her enjoy those rights and privileges. With that intention, this amendment is sought to be moved. It does not take away what is given under subsection (2) of the original Bill. What is sought is to add some more rights and privileges if she is entitled to enjoy. I request the Hon'ble Minister to accept the amendment.

SRI T. SUBRAMANYA.—I oppose the amendment. This Bill confines its attention to maternity benefits and it is not intended to safeguard all rights and privileges conferred under other enactments. Therefore I oppose the amendment.

MR. SPEAKER.—The question is:

'That for sub-clause (2) the following shall be substituted, namely:—

"(2) Nothing contained in this Act shall affect any rights or privileges which a worker in any factory, plantation or establishment is entitled to on the date this Act comes into force, under any Act or rules, contract, custom, usage applicable to such factory, plantation or establishment, or any award, settlement or agreement binding on the employer and the worker, if such rights or privileges are more favourable to her than those to which she would be entitled under this Act". '

The motion was nagatived.

SRI M. C. NARASIMHAN.—I beg to move:

'That the words "For the purposes of this Section" shall be inserted at the beginning of sub-clause (3).'

MR. SPEAKER.—Amendment moved:

'That the words "For the purposes of this Section", shall be inserted at the beginning of sub-clause (3).'

SRI M. C. NARASIMHAN.—The amendment has been introduced only by way of clarification. Under Clause 4 (3) the maximum period for which any woman would be entitled to payment of maternity benefits, is indicated. Maternity benefits include every amount payable under the provisions of this Act. If the maximum period of maternity is only 12 weeks, it may run counter to Clauses 7 and 8. Supposing an employer had paid all these things it will be difficult to prefer claims. In order to clarify this point we have said that the maximum period shall be limited to that contained in clause 4 and that clauses 7 and 8 are separate. This would avoid confusion.

SRI T. SUBRAMANYA.—Sir, there is no ambiguity. I have made it clear in my speech that one is different from the other.

MR. SPEAKER.—The question is:

'That the words "For the purposes of this section" shall be inserted at the beginning of sub-clause (3).'

The motion was negatived.

MR. SPEAKER.—The question is:

"That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 5.

Sri T. SUBRAMANYA.—I beg to move :

'That in sub-clause (1), the words "or a mine" and in sub-clause (2) the word 'mine' shall be deleted.'

Mr. SPEAKER.—The question is:

'That in sub-clause (1), the words "or a mine" and in sub-clause (2) the word 'mine' shall be deleted.'

The motion was adopted.

Sri M. C. NARASIMHAN.—I beg to move :

'That for the word "employment" occurring in the sixth line of sub-clause (1), the words "factory, plantation or establishment" shall be substituted.'

Mr. SPEAKER.—Amendment moved :

'That for the word "employment" occurring in the sixth line of sub-clause (1), the words "factory, plantation or establishment" shall be substituted.'

Sri M. C. NARASIMHAN.—As already explained by my friend, I think it would be better if the matter is clarified.

Sri T. SUBRAMANYA.—The amendment is unnecessary. It is clear to me.

Mr. SPEAKER.—The question is:

'That for the word "employment" occurring in the sixth line of sub-clause (1), the words 'factory, plantation or establishment" shall be substituted.'

The motion was negatived.

Sri M. C. NARASIMHAN.—I beg to move :

'That in lines 3-4 of sub-clause (2) for the words "eight weeks after the date of her confinement" the words "the period allowed under this Act" shall be substituted.'

Mr. SPEAKER.—Amendment moved:

'That in lines 3-4 of sub-clause (2) for the words "eight weeks after the date of her confinement", the words "the period allowed under this Act" shall be substituted.'

Sri M. C. NARASIMHAN.—I have taken these words from the Madras Act, which is very clear. It would also make provision for subsequent confinement and there would be no difficulty for leave.

Sri T. SUBRAMANYA.—The period is 8 weeks. It is clear. The amendment is unnecessary.

Mr. SPEAKER.—The question is:

'That in lines 3-4 of sub-clause (2), the words "eight weeks after the date of her confinement", the words "the period allowed under this Act", shall be substituted.'

The motion was negatived.

Sri M. C. NARASIMHAN.—I beg to move:

'That the following sub-clause shall be added after sub-clause (3) :

"(4) Notwithstanding anything contained in sub sections (1) to (3), any Inspector, if he is satisfied after such enquiry as he thinks fit that a woman worker, who has not given notice under sub-section (1) is entitled to maternity benefit under this Act. The amount of maternity benefit specified in the order shall be paid by the employer to the woman worker within such period as may be specified in the order".'

Mr. SPEAKER.--Amendment moved :

'That the following sub-clause shall be added after sub-clause (3):

'(4) Notwithstanding anything contained in sub-sections (1) to (3), any Inspector, if he is satisfied after such enquiry as he thinks fit, that a woman worker, who has not given notice under sub-section (1) is entitled to maternity benefit under this Act. The amount of maternity benefit

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specified in the order shall be paid by the employer to the woman worker within such period as may be specified in the order" '.

Sri M. C. NARASIMHAN.—We have already indicated that the giving of notice should not be strictly considered to be a condition precadent for the getting of benefit. If by mistake or due to ignorance, it has not been possible to give a written notice, it should not be held up against the woman concerned. This point of view has already been accepted under the Plantation Labour Rules and is in force. I do not wish that by this enactment that benefit should be taken away. This provision is also there in the Madras Maternity Benefits Act, 1950.

Sri T. SUBRAMANYA.—The idea is to give the benefit only to women who give notice. If a notice is not given, it may cause difficulties to the employer. Failure to give notice would certainly entail loss of certain benefits to the person concerned.

Mr. SPEAKER.—The question is:

" That the following sub-clause shall be added after sub-clause (3):—

" (4) Notwithstanding anything contained in sub-sections (1) to (3), any Inspector, if he is satisfied after such enquiry as he thinks fit, that a woman worker, who has not given notice under sub-section (1) is entitled to maternity benefit under this Act, the amount of maternity benefit specified in the order shall be paid by the employer to the woman within such period as may be specified in the order".'

The motion was negatived.

Mr. SPEAKER.—The question is:

" That clause 5, as amended, stand part of the Bill.'

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6 to 9.

Mr. SPEAKER.—The question is:

" That clauses 6 to 9 stand part of the Bill."

The motion was adopted.

Clauses 6 to 9 were added to the Bill.

Clause 10.

Sri M. C. NARASIMHAN.—I beg to move:

' That in sub-clause (1) for the words " in accordance with the provisions of this Act," the words " on account of pregnancy, miscarriage or any illness connected therewith for such period or periods contemplated under this Act whether entitled to maternity benefit or not " shall be substituted.'

Mr. SPEAKER.—Amendment moved:

' That in sub-clause (1), for the words "in accordance with the provisions ofthis Act," the words "on account of pregnancy, miscarriage, or any illness connected therewith for such period or periods contemplated under this Act whether entitled to maternity benefit or not " shall be substituted.'

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Sri M. C. NARASIMHAN.—The point is this. According to the clauses a woman worker who is not entitled to any maternity benefit can be dismissed. Supposing a woman has put in only 130 days of attendance and she joins later; according to this, a woman who may be in a stage of pregnancy can be dismissed. That is what it means. In order to guard that situation I suggest that this amendment may be accepted. Secondly, the question of maternity benefit is quite another matter. If she gives notice, absence will be treated as legal. Supposing she does not give notice, it means that she is entitled to dismissal and that is a very bad situation and is not fair. It is not provided in the Plantation Labour Act.

Sri T. SUBRAMANYA.—I oppose it.

Mr. SPEAKER.—The question is:

'That in sub-clause (1) for the words "in accordance with the provisions of this Act", the words "on account of pregnancy, miscarriage, or any illness connected therewith for such period or periods contemplated under the Act whether entitled to maternity benefit or not" shall be substituted.'

The motion was negatived.

Sri G. VENKATAI GOWDA.—Sir, I move:

'That the words "or discharge" shall be added after the word "dismissed" wherever it occurs in the clause.'

Mr. SPEAKER.—Amendment moved:

"That the words "or discharge" shall be added after the word "dismissed" wherever it occurs in the clause.'

Sri G. VENKATAI GOWDA.—It has been provided under sub-clause (2) that if a woman is pregnant and is dismissed she is allowed maternity benefit. Likewise the same benefit should be given if a woman is pregnant and is discharged.

Sri T. SUBRAMANYA.—I oppose it.

Sri G. VENKATAI GOWDA.—What is wrong if the words "or discharged" are added, because the consequences will sometimes be different?

Sri T. SUBRAMANYA.—It is an unnecessary word and I oppose it.

Sri M. C. NARASIMHAN.—I wanted to speak, Sir.

Mr. SPEAKER.—After the Minister gives a reply there is an end of the matter.

Sri M. C. NARASIMHAN.—He was not entitled to reply before I spoke.

Mr. SPEAKER.—Anyway he has replied. The question is:

'That the words "or discharge" shall be added after the word "dismissed" wherever it occurs in the clause.'

The motion was negatived.

Sri M. C. NARASIMHAN.—Sir, I move:

'That after sub-clause (3), the following sub-clause shall be added:

"(4) The conditions of service of any woman worker shall not in any way be prejudicially altered during her absence allowed under the provisions of this Act".'

Mr. SPEAKER.—Amendment moved:

'That after sub-clause (3), the following sub-clause shall be added:

"(4) The conditions of service of any woman worker shall not in any way be prejudicially altered during her absence allowed under the provisions of this Act".'

Sri M. C. NARASIMHAN.—This is provided in the Madras enactment and it is a salutary provision. I hope the Hon'ble Minister will accept my amendment.

Sri L. S. VENKAJI RAO—Mr. Speaker, I oppose the amendment. For everything he brings in Madras Act. When it is inherent already why should there be any duplication?

Sri T. SUBRAMANYA.-Unnecessary and I oppose it.

Mr. SPEAKER.—The question is:

'That after sub-clause (3), the following sub-clause shall be added:

"(4) The conditions of service of any woman worker shall not in any way be prejudicially altered during her absence allowed under the provisions of this Act".'

The motion was negatived.

Mr. SPEAKER.—The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Mr. SPEAKER.—Clause 11. There are amendments.

Sri M. C. NARASIMHAN.—Sir, I move:

'That after sub-clause (2), the following sub-clause shall be inserted:

"(3) any person dismissed or discharged in contravention of section 10 may make a complaint to the Inspector and the Inspector shall thereon after such enquiry as he deems necessary pass appropriate orders".'

Mr. SPEAKER.—Amendment moved:

'That after sub-clause (2), the following sub-clause shall be inserted:

"(3) any person dismissed or discharged in contravention of section 10 may make a complaint to the Inspector and the Inspector shall thereon after such enquiry as he deems necessary pass appropriate orders".'

Sri M. C. NARASIMHAN.—As the clause now stands, there is no power vested in the Inspector to restore the rights of a worker who may be discharged in contravention of clause 10. It is not provided for anywhere. If the Inspector is empowered it will help such cases where discharge or dismissal has taken place in contravention of clause 10. Otherwise there is no meaning in the provision in clause 10.

Sri T. SUBRAMANYA.—It becomes unlawful on the part of an employer to dismiss a woman during her absence when she is entitled to maternity benefit. If there is an illegal act and she is discharged there is the ordinary labour law to help her. Therefore this amendment is unnecessary.

Mr. SPEAKER.—The question is:

'That after sub-clause (2), the following sub-clause shall be inserted:—

"(3) any person dismissed or discharged in contravention of section 10, may make a complaint to the Inspector and the Inspector shall thereon after such enquiry as he deems necessary pass appropriate orders".'

The motion was negatived.

Sri M. C. NARASIMHAN.—There is no need to move the other amendment.

Mr. SPEAKER.—The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Mr. SPEAKER.—Clause 12. There is an amendment.

Sri T. SUBRAMANYA.—Sir, I move:

"That the word 'mine' shall be deleted".

Mr. SPEAKER.—The question is:

'That the word "mine" shall be deleted.'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted

Clause 12, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 13. There is an amendment.

Sri T. SUBRAMANYA.—Sir, I move:

'That the word "mine" shall be deleted.'

Mr. SPEAKER.—The question is:

'That the word "mine" shall be deleted.'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 14. There is an amendment.

Sri T. SUBRAMANYA.—Sir, I move:

'That the word "mines" shall be deleted.'

Mr. SPEAKER.—The question is:

'That the word "mines" shall be deleted.'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 15. There is an amendment.

Sri T. SUBRAMANYA.—Sir, I move:

'That the words "or a mine" shall be deleted.'

Mr. SPEAKER.—The question is:

'That the words "or a mine" shall be deleted.'

The motion uas adopted.

Mr. SPEAKER.—The question is:

"That clause 15, as amended, stand part of the Bill.'

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 16. There are no amendments. The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Mr. SPEAKER.—Clause 17. There is an amendment.

Sri M. C. NARASIMHAN.—I beg to move:

'That the following proviso shall be added at the end of the clause:—

"Provided that where the employer has contravened the provisions of section 10 the court may pass orders granting such relief as is necessary." '

Mr. SPEAKER.—Amendment moved:

'That the following proviso shall be added at the end of the clause:

"Provided that where the employer has contravened the provisions of section 10 the court may pass orders granting such relief as is necessary".'

Sri M. C. NARASIMHAN.—Sir, it is true that clause 10 definitely prohibits dismissal during pregnancy. The only relief that a worker can get under the provisions of this Act is the payment towards maternity benefit and there is no relief for dismissal or any other contravention of the Act by the employer. The Minister says that if there is dismissal he can get relief under other labour legislations. If this is a self-contained legislation, why should one be required to go to some other labour legislation? If he has to go to other labour laws, there are so many obstacles in his way and therefore I do not know why this particular relief should not be provided under this Act itself. That is why I have added the words. "Provided that where the employer has contravened the provisions of section 10 the court may pass orders granting such relief necessary." Otherwise what happens is that if she is dismissed in contravention of section 10 she cannot get the relief of reinstatement and back wages.

Sri T. SUBRAMANYA.—Can a Magistrate order reinstatement?

Sri G. VENKATAI GOWDA.—Yes.

Sri M. C. NARASIMHAN.—The Magistrate may order reinstatement and payment of back wages. He may also order payment of compensation. It is left to the discretion of the Magistrate. Otherwise there is no relief.

Sri T. SUBRAMANYA.—I wish you had merely said that she will be entitled to reinstatement, but you want the Magistrate to pass other orders also for payment of back wages and compensation.

Sri M. C. NARASIMHAN.—What I said is only this that he may pass orders "granting such relief as necessary."

Sri T. SUBRAMANYA.—I do not mind giving some relief to the woman who has been dismissed directly under this Act. I am. agreeable to the court passing orders "granting such relief as is necessary."

Mr. SPEAKER.—The question is:

'That the following proviso shall be added at the end of the clause:

"Provided that where the employer has contravened the provisions of section 10 the court may pass orders granting such relief as is necessary." '

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Mr. SPEAKER.—The question is:

"That clauses 18, 19, 20 and 21 stand part of the Bill."

The motion was adopted.

Clauses 18, 19, 20 and 21 were added to the Bill.

Mr. SPEAKER.—Clause 22.

Sri T. SUBRAMANYA.—Sir, I move:

"That in item (*b*) of sub-clause (2), the word 'mines' shall be deleted."

Mr. SPEAKER.—Amendment moved:

"That in item (*b*) of sub-clause (2), the word 'mines' shall be deleted."

Mr. SPEAKER.—The question is:

"That in item (*b*) of sub-clause (2), the word 'mines' shall be deleted."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 23. The question is:

"That Clause 23 stands part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Mr. SPEAKER.—Clause 24.

Sri T. SUBRAMANYA.—I move:

"That in the heading the word 'mines' and in the clause, the word 'mine' shall be deleted."

Mr. SPEAKER.—Amendment moved:

"That in the heading the word 'mines' and in the clause, the word 'mine' shall be deleted."

Mr. SPEAKER.—The question is.

"That in the heading the word 'mines' and in the clause, the word 'mine' shall be deleted."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 25.

Sri T. SUBRAMANYA.—I move:

"That after the words 'Madras Area' the word 'and' shall be inserted; and the words, figures and brackets 'and the Mines Maternity Benefit Act, 1941 (Central Act XIX of 1941)' shall be deleted."

Mr. SPEAKER.—Amendment moved:

"That after the words 'Madras Area' the word 'and' shall be inserted; and the words, figures and brackets 'and the Mines Maternity Benefit Act, 1941 (Central Act XIX of 1941)' shall be deleted"

Mr. SPEAKER.—The question is:

"That after the words 'Madras Area' the word 'and' shall be inserted; and the words, figures and brackets 'and the Mines Maternity Benefit Act, 1941' (Central Act XIX of 1941)' shall be deleted."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 26. The question is:

" That Clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Mr. SPEAKER.—Clause 1. There are amendments.

Sri T. SUBRAMANYA.—I move:

" That in sub-clause (4), the word 'mines' shall be deleted."

Mr. SPEAKER.—The question is:

"That in sub-clause (4), the word 'mines' shall be deleted."

The motion was adopted.

Mr. SPEAKER.—There is another amendment..

Sri M. C. NARASIMHAN.—I move:

'That at the end of sub-clause (4), the words "as defined in section 2" shall be added.'

Mr. SPEAKER.—Amendment moved:

'That at the end of sub-clause (4), the words "as defined in section 2" shall be added.'

Sri T. SUBRAMANYA.—It means that, Sir.

Mr. SPEAKER.—The question is :

"That at the end of sub clause (4), the words "as defined in section 2" shall be added.'

The motion was negatived.

Mr. SPEAKER.—The question is:

"That Clause 1, as amended, stand part of the Bill"

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Mr. SPEAKER.—Preamble. There is an amendment in the name of the Minister.

Sri T. SUBRAMANYA.—I move:

"That the word 'Mines' in the line 2 shall be deleted".

Mr. SPEAKER.—The question is:

"That the word ' Mines' in the line 2 shall be deleted.'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That the Preamble, as amended, stand part of the Bill."

The motion was adopted.

The Preamble, as amended, was added to the Bill.

Mr. SPEAKER.—The Title. There is an amendment.

Sri T. SUBRAMANYA.—I move:

"Thar the word 'Mines' in line 2 shall be deleted."

Mr. SPEAKER.—The question is:

"Thar the word 'Mines' in line 2 shall be deleted."

The motion was adopted.

Mr. SPEAKER.—The question is.

"That the Title, as amended, stand part of the Bill."

The motion was adopted.

The Title, as amended, was added to the Bill.

Motion to pass

Sri T. SUBRAMANYA.—Sir, I beg to move:

"That the Mysore Maternity Benefit Bill, 1958, as passed by the Legislative Council and as amended, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Maternity Benefit Bill, 1958, as passed by the Legislative Council and as amended, be passed."

The motion was adopted.

Mr. SPEAKER.—The House now adjourns and will meet tomorrow at 8-30 A.M.

The House adjourned at Twenty two Minutes past Six of the Clock to meet again at Thirty Minites past Eight of the Clock on Saturday, the 12th December 1959.